



Registration No. 2015/201684/07  
VAT: 4440271015

9 Sim Road, Pomona, Kempton Park, 1619  
0100 350 238  
086 477 9020  
info@ububelemedical.co.za  
www.ububelemedical.co.za

## **POPI ACT: AGREEMENT AND CONSENT DECLARATION**

You hereby declare and confirm that you, as the person / entity / body / individual / company who is providing information and herein after collectively referred to as the "Client", do hereby supplied or given to the service provider / company is done so in terms of the below Terms and Conditions and in terms of this agreement and consent declaration. Some or all these services can be included.

### **Clarification**

1. In this Agreement, unless inconsistent with or otherwise indicated by the context –
  - 1.1. "The Agreement" means the Agreement contained in this document.
  - 1.2. "The Company / Service Provider" means Ububele Medical (Pty) Ltd and includes its affiliated, holding, and subsidiary companies.
  - 1.3. "Services" means what the Service Provide deliver includes, but not limited to
    - 1.3.1. Distribution of medical supplies
    - 1.3.2. Sales of medical supplies
  - 1.4. "Confidential Information" includes, but not limited to
    - 1.4.1. Any information in respect of know-how, formulae, processes, systems, business methods, marketing methods, promotional plans, financial models, inventions, long-term plans and any other information of the client and the company in whatever form it may be presented.
    - 1.4.2. All internal control systems of the client and the company
    - 1.4.3. Details of the financial structure and other financial, operational information of the client and the company; and
    - 1.4.4. Any arrangement between the client and the company others with whom they have business arrangements of whatsoever nature, all of which the client and the company regards as secret and confidential.
  - 1.5. "Personal Information" means personal information as defined in the Protection of Personal Information Act [also known as POPI Act] adopted by South Africa on 26 November 2013 and includes but not limited to:
    - 1.5.1. Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of a person.



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- 1.5.2. Information relating to the education or the medical, financial, criminal or employment history of the person.
- 1.5.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person.
- 1.5.4. The personal opinions, views, or preferences of the person.
- 1.5.5. 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.
- 1.5.6. The view or opinions of another individual about the person and
- 1.5.7. 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.
- 1.6. "The effective date" means the date of signature of this Agreement.
- 1.7. "The parties" means the parties as described hereinabove.
- 1.8. "Divulge" or "Make use of" means to reveal, make known, disclose, make public, release, publicize, broadcast, communicate or correspond or any such other manners of divulging of any information.'
- 1.9. "processing" means any operation or activity or any set of operations whether or not by automatic means, concerning personal or any information, including but not limited to;
  - 1.9.1. The collection, receipt, recording, organization, collation, storage, updating, or modification, retrieval, alteration, consultation, or use;
  - 1.9.2. Dissemination by means of transmission, distribution or making available in any other form, or
  - 1.9.3. Merging, linking, as well as restriction, degradation, erasure, or destruction of information.
- 1.10. "POPI" means the Protection of Personal Information Act adopted by the Republic of South Africa on 26 November 2013 and as amended from time to time.

## **EIGHT PRINCIPLES OUTLINED**

Being fully compliant with Protection of Personal Information Act no. 4 of 2013 (**POPIA**) there are 8 Principles defined within the Act which must be addressed to be compliant. These are well-accepted attributes which are adopted throughout South Africa as the guidelines for a successful **POPIA** implementation.



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#### **Principle 1: Accountability**

The organisation must appoint a party (Information Officer) who will be responsible for ensuring that the information protection principles within **POPIA** and the controls that are in place to enforce them are complied with.

#### **Principle 2: Processing Limitation**

The second principle deals with the lawfulness of processing, minimality of information collected, consent, justification and objection, and the collection of personal information directly from the data subject.

#### **Principle 3: Purpose Specification**

The third principle provides that personal information must be collected for a specific purpose and the data subject from whom the personal information is collected must be made aware of the purpose for which the personal information was collected.

#### **Principle 4: Further processing limitation**

The fourth principle regulates the further processing of personal information. If a responsible party further processes personal information, such processing must be compatible with the purpose for which the information was collected in principle 3.

#### **Principle 5: Information quality**

The fifth principle provides that the responsible party must take reasonable steps to ensure that the personal information that has been collected is complete, accurate, not misleading and up to date. In so doing, the responsible party must take into consideration the purpose for which the personal information was collected.

#### **Principle 6: Openness**

The sixth principle provides that the responsible party must be open about the collection of personal information by notifying the Regulator if it is going to process personal information and, if personal information is going to be collected, the responsible party must take "reasonably practicable steps to ensure that the data subject has been made aware that his or her personal information is going to be collected. The responsible party should for example, take reasonable steps to make the data subject aware of its name and address, and the purpose for which the personal information being collected.



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#### **Principle 7: Security Safeguards**

The seventh principle provides that the responsible party must ensure that the integrity of the personal information in its control is secured through technical and organisational measures.

#### **Principle 8: Data Subject Participation**

The eighth principle provides that data subjects have the right to request that a responsible party confirm (free of charge) whether it holds personal information about the data subject, and he or she may also request a description of such information.

#### **WHEREAS IT IS AGREED THAT**

All parties agree that they will comply with POPI regulations and process all the information and /or personal data in respect of the services being rendered in accordance with the said regulations and only for the purpose of providing the services set out in the agreement to provide services.

The company (also known as the service provider), all the parties to this agreement, the service provider's employees and the client's employees and any subsequent party / parties to this agreement acknowledge and confirm that:

- One or more of the parties to this agreement will process and will continue to process information that may be classified or may be deemed as private, confidential, or as personal information.
- Such information may be deemed as the private, confidential, or as personal information in so far as it relates to any party to this agreement.
- Such information may also be deemed as or considered as private, confidential, or as personal information of any third party / person who may be directly or indirectly associated with this agreement.
- Further it is acknowledged and agreed by all parties to this agreement, that such private, confidential, or as personal information may have value and such information may or may not be in the public domain.

For the purposes of rendering services on behalf of the client, service provide, and any party associated with this agreement and / or any subsequent or prior agreement that may have been / will be entered, irrevocably agree that "confidential information" shall also include inter alia and shall mean inter alia:

- All information of any party, which may or may not be marked "Confidential", "Restricted", "Proprietary" or with similar designation;
- Where applicable, any and all data and business information;



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- Where applicable, the parties may have access to data and personal and business information regarding clients, employees, third parties and the like including personal information as defined in POPI regulations and
- Trade secrets, confidential knowledge, know-how, technical information, data, or other proprietary information relating to the client/ service provider, or any third party associated with this agreement and including, without limitation, all products, information technical know-how, software programs, computer processing systems and techniques employed or used by either party to this agreement and / or their affiliates.

By signature hereunder, all parties irrevocably agree to abide by the terms and conditions as set out in this agreement as well as you irrevocably agree and acknowledge that all information provided and such us may include placing such information on public domain. Further it is specifically agreed that the service provider will use its best endeavours and take all reasonable precautions to ensure that any information provided, is only used for the purpose it is provided.

It is confirmed that by submitting information to the service provider, irrespective as to how such information is submitted, you consent to the collection, processing and storing of such information and the use of disclosure of such information in accordance with this policy.

## STORING YOUR DATA

We store your personal information in South Africa. We may also alternatively store your personal information on and transfer your personal information to a central database in South Africa. We will take the reasonable precaution to ensure that any information provide is adequately protected.

The information which we collect from our clients are stored on our Cloud-based server which are secured.

Your information will not be stored for the purposes described in the Privacy Policy:

For longer than a total period of 3 years which includes:

- For longer than 1 year[s] related to paper-based hard copies [if we must keep paper-based copies]
- For longer than 2 years on our systems / databases / Cloud systems.

After this timeframe, if not verbally changed, the information will be carefully destroyed.



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## WHAT ARE YOUR RIGHTS AND HOW CAN YOU EXERCISE THEM?

Whenever we process personal information, we take reasonable steps to keep your personal information accurate and up to date for the purposes for which they were collected. We will provide you with the ability to exercise the following rights under the conditions and within the limits set forth in the law.

If you wish to contact us regarding the use of your personal information or want to object in whole or in part to the processing of your personal information, please contact us. If you have provided consent, you may withdraw consent. In the case where you withdraw your consent, we will stop using your information, unless where a Court Order or Police Affidavit instructs us to do so.

You may also request, subject to confidentiality obligations, to

- Access your personal information as processed by us.
- Ask for correction or erasure of your personal information and
- Request portability, where applicable, of your personal information, i.e. that the personal information you have provided to us, are returned to you, or transferred to the person of your choice, in a structured commonly used and machine-readable format.

Should you not agree to the terms and conditions as set out in this agreement and consent declaration, you must notify the service provider immediately. Failing which it will be deemed that you accept and agree to the terms and conditions set out above.



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## SIGNATURES

CLIENT SIGNATURE:

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CLIENT NAME:

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DATE:

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PLACE:

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SERVICE PROVIDER SIGNATURE

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SERVICE PROVIDER NAME:

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DATE:

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PLACE

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