
JLRSA PROCUREMENT PROCESSING NOTICE

IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)

1. DEFINITIONS AND INTERPRETATION

1.1 In this Processing Notice, the following words shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meanings and other words derived from the same origins as such words (that is, cognate words) shall bear corresponding meanings:

- 1.1.1. **"Data Protection Legislation"** means any data protection or data privacy laws applicable in the Republic of South Africa from time to time, including but not limited to POPIA, the Electronic Communications and Transactions Act 26 of 2005 and the Consumer Protection Act 68 of 2008;
- 1.1.2. **"Processing Notice"** means this Processing Notice issued by JLRSA to any service provider, contractor, consultant or vendor (or a prospective service provider, contractor, consultant or vendor, as the case may be).
- 1.1.3. **"JLRSA"** means Jaguar Land Rover (South Africa) Proprietary Limited, registered as a private company in South Africa under company registration number 2001/027269/07 with registered office at 28 Victoria Link, Route 21 Corporate Park, Nellmapius Drive, 1667, South Africa.
- 1.1.4. **"Operator"** shall have the meaning given to it under POPIA;
- 1.1.5. **"Parties"** means JLRSA and the service provider, contractor, consultant or vendor (or a prospective service provider, contractor, consultant or vendor, as the case may be);
- 1.1.6. **"Personal Information"** shall have the meaning given to it in any Data Protection Legislation, including POPIA;
- 1.1.7. **"POPIA"** means the Protection of Personal Information Act 4 of 2013;
- 1.1.8. **"Process"** shall have the meaning given to it in any Data Protection Legislation, including POPIA;

- 1.1.9. **"Information"** means service provider, contractor, consultant or vendor data, including any information which may be treated or defined as Personal Information supplied by the service provider, contractor, consultant or vendor and/ or its personnel to JLRSA and/ or its personnel;
- 1.1.10. **"Data Subject"** means any prospective service provider, contractor, consultant or vendor, as the case may be, or if appointed by JLRSA, any actual service provider, contractor, consultant or vendor, as the case may be, who has entered into a relationship or contract with JLRSA (collectively referred to as the "Data Subject")

2. **APPLICATION**

This Processing Notice will apply to JLRSA and any service provider, contractor, consultant or vendor, as the case may be, or if appointed by JLRSA, any actual service provider, contractor, consultant or vendor, as the case may be, who has entered into a relationship or contract with JLRSA (collectively referred to as the "Data Subject")

3. **PURPOSE OF COLLECTION OF PERSONAL INFORMATION**

- 3.1 In order for JLRSA to pursue its business objectives and strategies, JLRSA needs to process and/ or further process your/ the Data Subject's Information, this Information will be used for a number of legitimate purposes, including, but not limited to, the following:
 - 3.1.1. Ensuring compliance with applicable laws, including Data Protection Legislation, and internal procedures;
 - 3.1.2. Following and applying the JLRSA procurement and supply chain management procedures, including assessing whether you/ the Data Subject is capable and able to provide JLRSA with the required services requested, or required by JLRSA in accordance with the supplied quotation, tender and/ or request to contract documentation, which determination will take place as per JLRSA contract, supply chain and procurement policies and procedures – which may include the performance of psychometrical testing, SAP clearance, credit bureau and credit history reports, etc.;
 - 3.1.3. Protecting JLRSA, any you/ the Data Subject or a third party's legitimate interests;
 - 3.1.4. Performing initial risk assessments and risk profiling, which may include determining criminal history, civil judgements, credit records or default history and fraud prevention, detection and monitoring;

- 3.1.5. Carrying out on going risk assessments and risk profiling: including performing risk assessments and risk profiling, investigating criminal or fraudulent activity, dishonesty, using another's information without permission, cheating, acting unethically, unruly or carrying out unacceptable behaviour, or infringing laws, codes, others intellectual property rights, the JLRSA policies and procedures or carrying out deviant behaviour;
- 3.1.6. Appointment as a vendor and service provider and concluding a contract: where declared a successful applicant or bidder, for the purposes of appointing you/ the Data Subject as a contractor, consultant, vendor or service provider and for the purposes of carrying out the required actions for the conclusion of a contract as between JLRSA and you/ the Data Subject including the drafting and/ or vetting of the related procurement and/ or contractual documents;
- 3.1.7. Assessing one's criminal history, civil judgements, credit records or default history: including where required by law or policy, receiving from or providing to any Regulator, the National Treasury, any credit bureau, credit provider or credit association, Personal Information about your/ the Data Subject's criminal history, civil judgements, credit records or default history or any other deviant behaviour and/ or any such Personal Information which may pertain to you/ the Data Subject's owners, staff or personnel;
- 3.1.8. Sales/ purchases: for the purposes of any proposed purchase from you/ the Data Subject, any goods or services, or alternatively any proposed sale to you/ the Data Subject, any JLRSA services and/ or products, providing your/ the Data Subject's Personal Information to third parties in connection with the evaluation of the transaction and related due diligence procedures.
- 3.1.9. Communication: including making contact and attending to your/ the Data Subject's enquiries and requests;
- 3.1.10. Providing information: for the purpose of providing you/ the Data Subject from time to time with information pertaining to JLRSA, its directors, employees, products and services and other ad hoc business related information;
- 3.1.11. Performing research and statistical analysis;

- 3.1.12. Providing, maintaining, and improving JLRSA products and services, and to monitor and analyse various usage and activity trends pertaining thereto;
- 3.1.13. For the purposes of performing internal operations, including the management of you/ the Data Subject in your capacity as a JLRSA contractor, consultant, service provider or vendor should your vendor application or application to contract or tender with JLRSA be successful and any subsequent contract for goods and/ or services which is thereafter concluded with you/ the Data Subject, including all related contract management services.
- 3.1.14. Attending to all financial matters such as invoicing, making payments, sending receipts/ statements, processing refunds, forecasting, budgeting, contract management, deliveries and generally providing commercial support and/ or communications, where needed, requested or required;
- 3.1.15. Fraud prevention, detection and monitoring: for the purpose of preventing fraud and abuse of JLRSA processes, systems, procedures and operations, including conducting internal and external investigations and enquiries and hearings and where applicable for the purposes of pursuing legal processes and procedures, including debt collecting;
- 3.1.16. Performing legal services: including the perusal of all procurement related documentation, the vetting and/ or drafting of contracts; contracts management, the drafting of general legal documents, legal correspondence, legal policy rules and legislation relevant to the obligations and operations of JLRSA and you/ the Data Subject, providing legal advice and legal opinion , managing legal compliance and risk in relation to JLRSA and your/ the Data Subject's relationship, managing and handling all litigation which has to be pursued or defended in connection with JLRSA, disciplinary matters which may impact on you as a consultant, service provider, vendor or contractor, the provision of legal education and training, document management and record retention, attending to insurance matters, receipt of legal process, regulation, management and control over intellectual property including copyright matters, and assisting with alternative dispute resolution matters, brochures, publications and related research material; and
- 3.1.17. Advertising, marketing, public relations and related and communications.

- 3.2 **Note that the supply of your/ the Data Subject's Information is voluntary. However, should you/ the Data Subject refuse to provide JLRSA with your/ the Data Subject's Information, which information is required by JLRSA for the purposes indicated above, then JLRSA will be unable to engage with you/ the Data Subject and/ or enter into any relationship with you/ the Data Subject.**
- 3.3 **Furthermore note that unless the processing is necessary to carry out actions for the conclusion or performance of a contract to which you/ the Data Subject is a party; or is required and complies with an obligation imposed by law on either you/ the Data Subject or the Responsible Party; or is necessary to protect the legitimate interest(s) of you/ the Data Subject or the Responsible Party; or is necessary for the proper performance of a public law duty by a public body; or is necessary for pursuing you/ the Data Subject or the Responsible Party's legitimate interests, or that of a third party to whom the Personal Information is supplied, all processing of your/ the Data Subject's Personal Information must be done with your/ the Data Subject's informed consent and permission – i.e. you/ the Data Subject has to consent to the processing of his/her/ its Personal Information.**

4. ACCESS BY OTHERS AND CROSS BORDER TRANSFER

- 4.1 JLRSA may from time to time disclose your/ the Data Subject's Information to other parties, including (but not limited to) institutions or subsidiaries, trading partners, auditors, Regulatory Bodies and/ or Governmental officials, insurance providers, security service providers, Retailers and Authorised Repairers within the JLRSA network, JLRSA marketing and public relations companies or partners, training facilities, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between JLRSA and the party to whom it is disclosing such Personal Information to, which contractually obliges the recipient of the Personal Information to comply with strict confidentiality and data security conditions.
- 4.2 Where Personal Information is transferred to a country which is situated outside the borders of South Africa, the Personal Information will only be transferred to

- 4.3 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 imposed by POPIA.

5. **RIGHT TO OBJECT AND COMPLAINTS**

You/ the Data Subject is encouraged to make immediate contact with JLRSA Information Officer at any time you/ the Data Subject is not comfortable or satisfied with the manner in which JLRSA is processing its Personal Information. On receipt of an objection, JLRSA will place a hold on any further processing until the cause of the objection has been resolved. If you/ the Data Subject is not satisfied with such process, you/ the Data Subject has the right to lodge a complaint with the Information Regulator, whose contact details are available at <http://www.justice.gov.za/infoereg/contact.html>.

6. **ACCURACY OF INFORMATION AND ONUS**

Data Protection Legislation requires that all your/ the Data Subjects Information and related details, as supplied are complete, accurate and up-to-date. While JLRSA will always use its best endeavours to ensure that Personal Information is reliable, it will be your/ the Data Subjects responsibility to advise JLRSA of any changes to its personal Information, as and when these may occur.

7. **ACCESS TO THE INFORMATION BY THE YOU/ THE DATA SUBJECT**

You/ the Data Subject has the right at any time to ask JLRSA to provide it with details of its Personal Information which JLRSA holds; and/ or the purpose for which it has been used, provided that such request is made using the standard JLRSA PAIA process, which procedure can be accessed by downloading and completing the standard request for information form, housed under the JLRSA PAIA Manual which can be found on the JLRSA website or [by clicking here](#).

8. **AMENDMENTS AND BINDING ON SUCCESSORS IN TITLE**

- 8.1 JLRSA reserves the right to amend this Processing Notice from time to time and you/ the Data Subject is requested to please check the JLRSA website periodically to inform itself of any changes to said Notice.

8.2 The rights and obligations of the Parties under this Processing 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 you/ the Data Subject to another.

9. **DECLARATION AND INFORMED CONSENT**

9.1 You/ the Data Subject confirms that all Personal Information provided to JLRSA is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then, in such an event, you/ the Data Subject undertakes to advise JLRSA of these changes.

9.2 You/ the Data Subject acknowledges that it understands the purposes for which your/ the Data Subject's Information is required and for which it will be used.

9.3 Where consent may be required, you/ the Data Subject, in providing the required Personal Information to JLRSA, consents and gives JLRSA permission to process and further process this Personal Information as and where required.

9.4 Furthermore, should any of your/ the Data Subject's Information which has been provided, concern or pertain to a legal entity whom you/ the Data Subject represents, the person providing the Personal Information to JLRSA confirms that it has the necessary authority to act on behalf of such legal entity and that it has the right to provide the Personal Information and/ or the required consent to use said Personal Information, on behalf of the aforementioned legal entity.