

## Scatec Africa Privacy Notice

This Privacy Notice is applicable to all employees, prospective employment candidates, third-party contractors of Scatec Africa Pty Ltd ('Scatec') which includes and is not limited to business development partners, equity partners, suppliers, service providers, consultants and all stakeholders with a business interest in Scatec.

Section 56(b) of the Protection of Personal Information Act 4 of 2013 (the 'POPI Act') empowers both a public or private body to delegate any power or duty conferred or imposed on the Information Officer to a Deputy Information Officer of that body. In light of this authority all functions and duties of the Scatec Information Officer, shall be delegated to the Deputy Information Officer, Kimisha Naidoo.

If at any stage, you are unsure of anything contained in this Privacy Notice including how Scatec collects, uses, processes, retains, or destroys Personal Information kindly consult Scatec's Deputy Information Officer for guidance. Contact details can be found on the last page of this Privacy Notice.

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## **1. What is Personal Information?**

'Personal Information' as defined by the POPI Act is a formal term and means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to the following -

- (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;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;

## **2. What Personal Information do we collect?**

Personal Information collected from all third-parties who express an interest in Scatec are as follows -

- Full name, surname;
- residential, postal address;
- contact numbers (mobile and landline);
- email address;
- date of birth, age;
- nationality;

- gender;
- marital status, title;
- identity (ID) number;
- passport number; and
- any other Personal Information required for RFI, RFP, bid proposal, vendor onboarding and other corporate personal information necessary for establishing a business relationship with Scatec;

**2.1 Personal Information collected by Human Resources ('HR') for Recruitment purposes ONLY upon receiving consent from the prospective employee includes-**

- (a) proof of identify such as copies of ID and/or Passport;
- (b) work permit documentation;
- (c) organisational history;
- (d) education including your proof of qualifications;
- (e) employment references;
- (f) criminal convictions that you declare in the application process;
- (g) previous salary, proof of salary - payslip;

**2.2 Scatec collects, processes and stores Special Personal Information**

Special Personal Information is a subset of Personal Information separately dealt with under the POPI Act and will be processed in a secure and confidential manner the following Special Personal Information -

- Racial or ethnic origins,
- Political, religious, or philosophical beliefs
- Health status
- Sexual orientation
- Trade Union membership
- Political association
- Biometric information

- Criminal background check [Please note this Personal Information will require your explicit informed consent in a separate Consent Form through Scatec's trusted verification screening partner.]

**Proviso:** The type of Personal Information we collect will depend on the purpose for which it is collected and used.

Scatec Africa will only collect information that we need for a specific and lawful purpose. The provision of your Personal Information is voluntary and may be withdrawn, with notice to us, at any time. Failure to provide this Personal Information may, however, prevent or delay services being provided and the fulfilment of our obligations in relation thereto.

### **3. What is the basis for processing your Personal Information?**

Both an employee and third-party contracting with Scatec (referred to as data subject under the POPI Act) must be in a position to elect and know what their personal information will be used for.

Personal information will only be processed by Scatec, lawfully and in a manner that does not infringe on the data subject's privacy. The processing of Personal Information is therefore limited but not prohibited. Scatec takes data privacy seriously however all data subject requests will be handled on a case-by-case basis.

- The POPI Act states that, in addition to consent, if consent is not obtained. One of the lawful justifications as listed below, can be relied on when processing your Personal Information -
- The processing of Personal Information is necessary for the conclusion of a contract;
- Complies with an obligation imposed by law;
- Protects the interest of the data subject;
- Personal Information necessary for the legitimate interests of the responsible party (Scatec Africa) in which Personal Information pertaining to third-parties shall be processed for legal, personnel, administrative and security purposes.

The Group Scatec ASA Privacy Statement applies to and governs data collection and usage of personal data across the Group.

#### **4. Processing Limitation**

Personal Information must be processed lawfully and in a reasonable manner. This means that certain conditions must be met including that Scatec has a lawful basis, permitted under the POPI Act for the processing of Personal Information with the consent of the relevant third-party.

#### **5. Lawful purpose for Processing Personal Information -**

- Employment-related Activities: Payroll, benefits administration, performance development, training, and career development.
- Legal and Regulatory Compliance: Tax reporting, social security contributions, and other legal -
  - (i) To perform Scatec's anti-corruption obligations and enforce Scatec's rights under contracts with business partners, equity partners, and vendor related contracts for purposes to comply with obligations under law, to provide Know Your Customer ('KYC') onboarding and to process and verify your Personal Information or to terminate a business relationship.
  - (ii) Processing of Personal Information includes activities in connection with investigating potential future relationships.
- Communication: Contacting you for work-related purposes, emergency situations, and company announcements.
- Health and Safety: Managing workplace safety, accommodations, and medical support, where needed.
- Internal Administration: Record-keeping, audit purposes, and statistical analysis.

##### **5.1 Lawful purpose for Processing Employees Personal Information -**

- Where Scatec processes Employee's Personal Information:

Employee's Personal Information is processed to enable Scatec to execute and perform in terms of the Contract of Employment.

- Scatec South Africa must ensure that the consent of our employees is obtained, and the processing of employee's Personal Information is for a specified purpose. An employee (as a data subject under the POPI Act) must be in a position to elect and know what your Personal Information will be used for and to request where legally

permissible to have outdated information deleted. [Please refer to this [Form](#) where you have a request to amend, delete or object to the use of your Personal Information]

### **5.2 Special Personal Information Processing Purpose -**

- Under Section 29(b) of the POPI Act:

Scatec will process Special Personal Information that is necessary to identify data subjects and only when this is essential for that purpose; and to comply with laws and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination.

- Scatec will only use or disclose personal information concerning an employee's race or ethnic origin, religious beliefs or philosophical or trade union membership, health and criminal behaviour provided to us with your explicit consent or where consent is not obtained processing will occur as authorised under the limited lawful circumstances provided for in POPI Act.
- Processing of demographic markers which indicate Sensitive Personal Information reporting for Broad Based Black Economic Empowerment laws ('B-BBEE') purposes:

- (i) Processing in this regard by Scatec will be performed to execute obligations under employment equity and corresponding laws, B-BBEE related Personal Information and Sensitive Personal Information of third-party contractors and employees shall be processed under the lawful basis of the legitimate interest of Scatec Africa.

Where Special Personal Information is processed HR and Legal under the Compliance function will only be authorised under strict confidentiality to handle and store the Personal Information.

### **5.3 Existing Employees Guidance on Data Protection**

- An employee must only process Personal Information of any person (third-party - Data Subject) where required to do so in the course and scope of the employee's employment.
- If the employee has any questions about the Internal Privacy Framework, he/she must ask for Scatec's Deputy Information Officer.
- The employee must comply with the Scatec's Internal Privacy Framework and other policies related to the Processing of Personal Information and all instructions of the Company's information officer and deputy information officer.

- The employee may not respond to any -
  - (i) requests received from external data subjects for access to, or correction or deletion of, their Personal Information which is being processed by Scatec without prior Notice of objection thereto;
  - (ii) communications from the information regulator established under the POPI Act; or
  - (iii) any complaints or communications received from any person in connection with the POPI Act or the Company's Processing of Personal Information and must immediately refer these to Scatec's Information Officer or Deputy Information Officer.

## **6. Sharing of Personal Information and with whom?**

- We may need to share your Personal Information within Scatec to relevant Business Units representatives of the correct level of authority, based on the nature of the proposed transaction or contract with Scatec.
- Sharing information with service providers we engage to process such information on Scatec's behalf or who are contracted to render services to us for background check verification. These service providers may have presence abroad, but we will not share your information with them unless we are satisfied that they have adequate security measures in place to protect your personal information.

## **7. What is the retention period of Personal Information?**

The duration of the storage of personal data is determined by the respective legal retention period (such as commercial, tax, labour relations retention periods).

After the expiry of this period, the corresponding Personal Information, this data will be routinely deleted, provided they are no longer necessary for the performance or initiation of the contract and/or there is no longer any legitimate interest on Scatec's part in the further storage.

For Scatec Africa a business decision has been taken to retain Personal Information for legal and contractual purposes relevant to record keeping for a period of 7 years.

There is a legal obligation to retain employees Personal Information, even after termination of employment.

## **8. How does Scatec safeguard your Personal Information?**

The Data Security and Data Breach Policy enforces Scatec's Group wide data security requirements and response to protect against information security risks where confidential and /or Personal Information is compromised. This Policy caters for the enabling IT Security controls and data security safeguards that Scatec employs to manage, mitigate, and resolve information security and data privacy risks respectively.

Existing employees of Scatec Africa have a duty to secure third-party Personal Information in their possession. Personal Information must be kept secure, and employees must take reasonable steps to ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal information, including against the accidental loss of, or damage to, Personal Information.

Any disclosure of Personal Information to authorised third parties may only be made on a ground permitted under the POPI Act and in consultation with Compliance, the Deputy Information Officer and EVP of Scatec Africa.

## **9. Your rights to access and correct your Personal Information:**

What Data Subject Participation means to Scatec?

Third-parties and employees of Scatec have the right to request a copy of your personal information held by Scatec.

You have the right to request that Scatec correct any errors or delete certain information, subject to legal and regulatory retention requirements. The data privacy request to delete Personal Information obtained from all third-parties and /or employees will be handled on a case-by-case basis.

## **10. Changes to this Notice:**

Please note that we may amend this Privacy Notice from time to time.

Revision Log:

(i) The last date of amendment to this Notice was concluded on 2 February 2024.

## 11. How to contact Scatec's Information Officer?

If you have any queries about Scatec's collection, use, processing, and storage of Personal Information, please contact and reach out to Kimisha Naidoo, Scatec's Compliance Officer South Africa and Deputy Information Officer under the delegated responsibility the EVP of Scatec Africa who holds the legal obligation as Information Officer.

### **Contact details of Scatec's Information Officer and Deputy Information Officer:**

Company name: Scatec Africa Pty Ltd

Street Address: 5 Buitengracht St, 20th Floor, Portside Building, Cape Town City Centre, Cape Town, 8001

Postal Address: 5 Buitengracht St, 20th Floor, Portside Building, Cape Town City Centre, Cape Town, 8001

### **Deputy Information Officer's Contact Details:**

Name: Kimisha Naidoo (Compliance Officer South Africa)

Contact number: (27) 663941383

Email: [kimisha.naidoo@scatec.com](mailto:kimisha.naidoo@scatec.com) and [datasubjectrequest@scatec.com](mailto:datasubjectrequest@scatec.com)

## 12. Right to report data protection concerns to the Information Regulator of South Africa

You also have the right to complain or report data protection concerns or suspected POPI Act violations to the Information Regulator, whose contact details are the following:

Tel: 012 406 4818

Fax: 086 500 3351

Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

Government Website: <http://www.justice.gov.za/inforeg/index.html>