# Tavcor Motor Group (Pty) Ltd - POPIA Employee Annexure to the Employment Contract

## Introduction

* As an employee of Tavcor Motor Group (Pty) Ltd you are required to act in line with the employer’s requirements and adhere to the policies and procedures of the company.
* Under POPIA the company is defined as a responsible party and is responsible and accountable to comply with the POPI Act.
* As an employee of the company, as a responsible party, you must adhere to the compliance requirements as set out in the POPIA Compliance Framework.
* The content of this addendum to your employment contract addresses the major compliance requirements.

## Ownership of Personal Information

* The company is the owner of all personal information[[1]](#footnote-2) that you might be collecting, dealing with, or store in the course of your job function whilst an employee of the company.
* In your role as an employee, you are required to collect and deal with personal information, but you have no right or authority to keep or use the personal information in any way or form outside the scope of your employment contract.
* In particular, you also have no right to use any of the said personal information after your employment with the company has ended.
* Any unauthorised use of the company data is a POPIA breach and a criminal offense.

## Your responsibility

* You must familiarise yourself with all the POPIA policies and procedures of the company.
* You must attend the respective training on POPIA awareness and compliance. Ignorance of not knowing the details of POPIA is not an excuse for non-compliance.
* You must collect, handle and deal with all personal information in a confidential manner, in line with the policies and procedures, and in relation to your specific role winthin the company.
* All personal information must be dealt with securely when transacting with customers and suppliers, and if applicable, staff. This includes deal files, job cards, or any other personal information, and should not be left unattended on your desk, your computer must not be left unlocked and should be password protected at all times.
* All completed deal files must be stored in the prescribed way, whether manual files or electronic.
* Should personal information need to be used after the conclusion of a transaction, the correct procedures should be followed to retrieve the information, and store it in a prescribed way after it was used.
* All personal information that is printed should be stored in a file which is kept in a secure area that no one else has access to or destroyed after use by shredding.
* All personal information is collected for a specific purpose. You are not allowed to use this for any other purpose at all.

## The company’s responsibility

* The company is providing the compliance framework in accordance with POPIA.
* This framework will prescribe the compliance requirements and include various policies and procedures.
* The company will provide compulsory training on POPIA for all staff.
* Failure to attend the training can lead to disciplinary action and would not be a mitigating factor if policies and procedures of the company were not adhered to.
* The company will continuously monitor compliance and update policies and procedures if needed.

## Non-Compliance

* Any breach or non-compliance in terms of POPIA will result in disciplinary action to address the non-compliance.
* Depending on the nature of non-compliance, the disciplinary action may also lead to dismissal.
* Due to the serious nature of POPIA compliance and potential consequences of non-compliance to the company, the following non-compliance could lead to dismissal:
	+ Not adhering to the confidentiality requirements in terms of personal information.
	+ Using personal information unauthorised.
	+ Making copies or personal backup of personal information.
	+ Passing personal information to third parties.
* Should the employee access personal information without authorisation and the information is used for any purpose other than prescribed by the company, even after employment has been terminated, despite the disciplinary action, the company reserves the right to lay criminal charges against employees, or previous employees.
1. The definition of personal information is as per the definition stipulated in the POPIA. [↑](#footnote-ref-2)