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Management Process



Support Process



Core Process



Operational Process

**Support Process number: SPIT15**

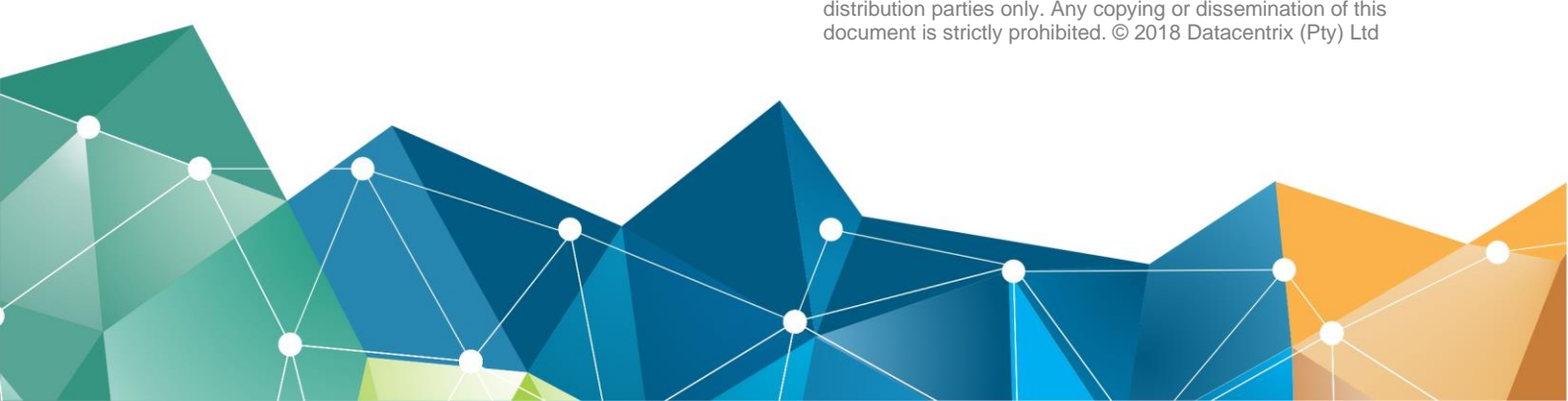
**Support Process name: Data Protection  
Complaints Procedure**

**Process owner: Group IT Manager**

**Applicable to: Datacentrix All**

**Confidential**

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## Overview

The POPI Act deals with complaints in some length under chapter 10 (Enforcement).

In terms of section 74, any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a Data Subject. A complaint to the Information Officer must be made in writing.

If an Information Supplier, Responsible Party or Data Subject feels that Datacentrix has acted outside of the requirements of POPI or in terms of the conditions by which Datacentrix had processed a Data Subjects' Personal Information, Datacentrix would like to invite such a person to address the complaint in writing at the details below.

## 1. Scope

### 1.1 Geographical

This document is relevant to all Datacentrix regional offices, including subsidiary companies of Infracore and eNetworks.

### 1.2 Human Resource

This policy applies to all employees and activities undertaken by Datacentrix.

## 2. Normative Reference

### 2.1 Statutory and Legal (Acts, Governing Bodies) and International Standard

- Personal Protection Information Act 4 of 2013

### 2.2 Datacentrix SHEQ related documents

- CPOP04 - Datacentrix Privacy Policy

## 3. Terms, Acronyms and Definitions

### 3.1 Terms and Definitions

Term	Definition
Data Subject	The person to whom personal information relates
Personal Information	The information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including but not limited to race, gender, marital status, ethnic, etc.

### 3.2 Acronyms

Acronym	Detail
POPI	Protection of Personal Information

## 4. To determine if it is a POPI complaint

If the Data Subject alleges that Datacentrix or its representatives have:

- Not authorised to process an individual's personal information;
- Processed, shared or otherwise dealt with personal information outside of terms agreed with that party; or
- Otherwise contravened or failed to comply with any provision of the POPI Act. It should be treated as a POPI complaint. The person or party lodging the complaint is hereinafter referred to as "the Complainant".

## 5. Complaints Process

- The Complainant logs a complaint using the [Dataprivacy@datacentrix.co.za email address](mailto:Dataprivacy@datacentrix.co.za);
- If the complaint is not in writing, the Datacentrix staff member must request that the complaint be in writing and to be submitted along with the necessary supporting documentation;
- The complaint is received by the Datacentrix staff member and handed to Information Officer at the above email address which is available on the Datacentrix website. The complaint will be validated and logged on the Complaints Register;
- The Information Officer acknowledges receipt of complaint in writing within three (3) business days;
- The complaint is assigned to a staff member by the Information Officer and investigated;
- The Information Officer resolves the complaint immediately or take the necessary action and advise the complainant of steps taken and expected date of resolution;
- The Information Officer updates the Complaints Register with all developments/activities;
- The Information Officer must:
  - Inform the Complainant in writing of the resolution of the complaint and the outcome;
  - Notify the Complainant if complaint is not resolved within three (3) weeks - advise the Complainant on status of the complaint;
  - Notify the Complainant of the final outcome. This must be within six (6) weeks of receiving the complaint;
  - Advise the Complainant of other options if complaint could not be resolved e.g. Information Regulator.

## 6. Internal complaint resolution process

- If a complaint against Datacentrix is not in writing, Datacentrix must request the Complainant to log the complaint in writing and to provide the necessary supporting documentation;
- The Information Officer will:
  - Receive the written complaint and supporting documentation;
  - Log the date and contents of the complaint in the Complaints Register. This record must be maintained for a period of five years;
  - Appoint a relevant staff member/s to investigate the complaint;
  - Acknowledge receipt of the complaint in writing within three (3) business days of receipt, and give the Complainant the name and contact details of the staff member/s responsible for the resolution of the complaint;
- The relevant internal department or staff member/s and any other resources will investigate the complaint to ascertain whether the complaint can be resolved immediately;
- If the complaint is of a serious nature, the complaint will be handled and investigated by the Information Officer, Management or Top Management;
- If the complaint can be resolved immediately, the relevant staff member/s will take the necessary action and advise the Complainant accordingly;
- If the complaint cannot be resolved immediately, Compliance will send the Complainant a written summary of the steps to be taken to resolve the matter and the expected date of resolution;
- If unable to resolve the complaint within three (3) weeks of logging the complaint in the Complaints Register, Compliance will notify the Complainant by means of a written

acknowledgement. This must outline the current status of the complaint and the expected date of final resolution;

- If unable to resolve the complaint within a further three (3) weeks of the written acknowledgement (six (6) weeks since complaint was logged), Compliance will notify the Complainant, giving full written reasons as to why the outcome was not favorable, and advise the Complainant of their right to seek legal redress by referring the complaint to the Information Regulator;
- The notification must clearly indicate that the Complainant may refer the matter to the Information Regulator. The Information Regulator's address and other contact details must be provided to the Complainant;
- The relevant internal department or staff member/s investigating the complaint must keep the Information Officer and Compliance up to date with the investigation;
- As soon as Compliance receives any updates, developments and activities regarding the complaint, they must update the Complaints Register with all developments and activities.

## 7. Information Regulator

The Information Regulator's contact details are as follows:

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

[infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

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### Non-Compliance to Datacentrix Policies/Processes and Work Instructions

Policy adherence forms a major part of any Datacentrix staff members' job profile, which implies appraisal to measure and any disciplinary actions following non-compliance