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Support Process number: SPIT15

Support Process name: Data Protection Complaints Procedure

Process owner: Group IT Manager

Applicable to: Datacentrix All

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Overview

The Protection of Personal Information Act, 2013 (POPIA), outlines the process for handling complaints in Chapter 10 (Enforcement).

In terms of Section 74, any person may submit a complaint to the Information Regulator, in the prescribed form and manner, if they believe that there has been interference with the protection of the Data Subject's personal information. Complaints can also be submitted to the Information Officer; this must be done in writing.

Should an Information Supplier, Responsible Party or Data Subject believe that Datacentrix has not complied with the requirements of POPIA or has processed a Data Subject's personal information contrary to the applicable conditions and provisions of the Act, Datacentrix encourages the individual to submit a written complaint using the contract details provided in Section 5: Complaints Process.

Datacentrix is committed to investigating and addressing all complaints promptly, fairly, and in accordance with the applicable legal and regulatory requirements.

1. Scope

1.1 Geographical

This document is relevant to all:

- Datacentrix Offices in South Africa
- Subsidiary Companies of Infrasol, eNetworks and eDna
- Datacentrix Office in the Middle East

1.2 Human Resource

This Policy is applicable to all Employees and activities undertaken by Datacentrix.

2. Normative Reference

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

- Protection of Personal Information Act 4 of 2013 (also referred to as POPI and POPIA)

2.2 Datacentrix SHEQ related documents

- CPOP04 - Datacentrix Privacy Policy
- SPIT15F01 - POPIA Complaints Register
- LGIS03 - Datacentrix POPIA Disclaimer (Website)
- POPIA Request Form (Website)

3. Terms and Definitions

Term	Definition
Data Subject	The natural or juristic person to whom personal information relates and who can be identified, directly or indirectly, from such information

Term	Definition
Personal Information	The information relating to an identifiable, living, natural person, and where it is applicable and identifiable, existing juristic person including but not limited to race, gender, marital status, ethnicity, etc.
Information Officer	The person responsible for encouraging compliance with POPIA within an organisation and dealing with requests, complaints, and regulatory matters relating to personal information
Information Regulator	The independent body established under POPIA to monitor and enforce compliance with the Act
Processing	Any operation or activity concerning personal information, whether by automated means or otherwise, including collection, receipt, recording, organisation, storage, updating, retrieval, dissemination, distribution, merging, linking, restriction, degradation, erasure, or destruction of information
Responsible Party	A public or private body, or any other person, which determines the purpose of and means for processing personal information
Complaint	A written expression of dissatisfaction regarding the processing, protection, or handling of personal information, submitted to the Information Officer or Information Regulator in accordance with POPIA requirements

4. Determining a POPIA Complaint

A complaint will be classified as a POPIA complaint where a Data Subject alleges that Datacentrix, or its Representatives have:

- Processed the Data Subject's personal information without the necessary authorization, consent, or lawful basis.
- Collected, used, disclosed, shared, retained, or otherwise processed personal information in a manner inconsistent with the terms agreed upon with the Data Subject or other applicable legal requirements
- Otherwise contravened or failed to comply with any provision of the POPI Act

Where any of the above circumstances are alleged, the matter will be treated as a POPIA complaint and managed in accordance with this procedure.

The individual or entity submitting the complaint will hereafter be referred to as the "Complainant".

5. Complaints Process

Datacentrix is committed to ensuring that all POPIA-related complaints are addressed promptly, fairly, and in accordance with applicable legislative requirements.

5.1 Complaint Submission

- The Complainant may submit a complaint by email to DataPrivacy@datacentrix.co.za
- Complaints must be submitted in writing and should include sufficient information and supporting documentation to enable the investigation of the matter
- Where a complaint is received verbally, the Datacentrix employee receiving the complaint must request that the Complainant submit the complaint in writing together with any relevant supporting documentation via DataPrivacy@datacentrix.co.za as published on the Datacentrix website

5.2 Receipt and Registration of Complaints

- Upon receipt of a complaint the Information Officer will review the complaint to determine its validity and whether it falls within the scope of POPIA
- Valid complaints will be recorded in the POPIA Complaints Register and assigned a unique reference number

5.3 Acknowledgement of Complaint

- The Information Officer will acknowledge receipt of the complaint in writing within three (3) business days of receiving the complaint

5.4 Investigation of Complaint

- The Information Officer will assign the complaint to an appropriate employee, to review and investigate
- The investigation will consider all relevant facts, supporting evidence, applicable legislation, internal policies, and any information provided by the Complainant
- The Information Officer may request additional information or documentation from the Complainant where necessary to facilitate the investigation

5.5 Resolution and Communication

- Where possible, the Information Officer will resolve the complaint immediately
- If immediate resolution is not possible, the Information Officer will take the necessary corrective actions and inform the Complainant of:
    - The actions being taken
    - Any required remedial measures
    - Expected timelines for resolution
    - Progress made during the investigation
- The Information Officer will ensure that all actions, communications, findings, and decisions are recorded in the POPIA Complaints Register

5.6 Outcome of Complaint

- The Information Officer must:
    - Inform the Complainant in writing of the outcome and resolution of the complaint
    - Provide a status update if the complaint is not resolved within three (3) weeks of receipt
    - Communicate the outcome of the complaint within six (6) weeks of receiving the complaint, unless exceptional circumstances require an extended investigation
    - Explain any corrective and remedial measures implemented because of the investigation

5.7 Escalation of Unresolved Complaints

Where a complaint cannot be resolved to the satisfaction of the Complainant, the Information Officer will advise the Complainant of their right to escalate the matter to the Information Regulator of South Africa and provide the relevant contact details.

The Complainant retains the right to lodge a complaint directly with the Information Regulator in accordance with the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

6. Internal Complaint Resolution Process

Datacentrix is committed to resolving POPIA-related complaints fairly, efficiently, and within reasonable timeframes. The following process will be followed for the internal investigation and resolution of complaints.

6.1 Receipt of Complaints

- When a complaint is not submitted in writing, Datacentrix will request the Complainant to submit the complaint in writing together with any relevant supporting documentation
- Upon receipt of a written complaint, the Information Officer:
    - Receive and review the complaint and support documentation
    - Record the complaint in the POPIA Complaints Register, including the date received, nature of the complaint and any supporting information
    - Ensure that the complaint record is retained for a period of five (5) years
    - Appoints an appropriate employee(s) to investigate the complaint
    - Acknowledges receipt of the complaint in writing within three (3) business days of receipt, providing the Complainant with the name and contact details of the individual responsible for investigating and resolving the complaint

6.2 Investigation of Complaints

- The assigned employee(s) will investigate the complaint and determine whether the matter can be resolved immediately
- The investigation may include:
    - Reviewing relevant records and documentation
    - Interviewing employees or other individuals involved
    - Assessing compliance with POPIA, internal policies, and contractual obligations
    - Determining the root cause of the complaint and any required corrective actions
- Complaints of a serious, sensitive, or high-risk nature, including potential personal information breaches or significant non-compliance with POPIA, will be escalated to the Information Officer, Management or Top Management for oversight and resolution

6.3 Immediate Resolution

- Where the complaint can be resolved immediately, the relevant employee(s) will present this to the Information Officer and once approved, will implement the necessary corrective actions, and notify the Complainant in writing of the resolution and outcome
- The Information Officer will ensure that the resolution and all related actions are recorded in the POPIA Complaints Register

6.4 Ongoing Resolution Process

- Where the complaint cannot be resolved immediately, the Information Officer will provide the Complainant with a written summary outline:

  - The nature of the investigation
  - The actions to be undertaken to resolve the matter
  - Any information required from the Complainant
  - The anticipated date of resolution
- If the complaint remains unresolved within three (3) weeks of being recorded in the POPIA Complaints Register, the Information Officer will provide the Complainant with a written status update. This update will include:
  - Progress made in the investigation
  - The status of the complaint
  - The expected date of final resolution
- If the complaint remains unresolved after a further three (3) weeks (a total of six (6) weeks from the date the complaint was logged), then the Information Officer will notify the Complainant in writing, detailing the following:
  - Progress made in the investigation
  - The status of the complaint
  - Any corrective actions already implemented or proposed
  - The expected date of final resolution

6.5 Final Resolution

- The Information Officer will communicate the final resolution and outcome to the Complainant in writing, detailing the following:
  - The findings of the investigation
  - The reasons for the outcome reached
  - Any corrective actions implemented or proposed
  - Where applicable, the reason the complaint could not be resolved in the Complainant's favor

6.6 Escalation to the Information Regulator

- Where the Complainant is dissatisfied with the outcome of the investigation, or where Datacentrix is unable to resolve the complaint, the Information Officer will advise the Complainant of their right to refer the matter to the Information Regulator of South Africa
  - The notification must clearly indicate that the Complainant may refer the matter to the Information Regulator of South Africa
  - The Information Regulator's address and other contact details must be provided to the Complainant

6.7 Complaint Monitoring and Record Keeping

- The relevant employee investigating the complaint must keep the Information Officer informed of all developments, findings, actions, and progress throughout the investigation
- The Information Officer will ensure that the POPIA Complaints Register is updated promptly with all relevant information, including:
  - Complaint details
  - Investigation activities

- Communications with the Complainant
- Corrective actions taken
- Resolution outcomes
- Any escalation to the Information Regulator of South Africa

7. Information Regulator

The Information Regulator's contact details are as follows:

Woodmead North Office Park
54 Maxwell Drive
Woodmead
Johannesburg
2191
inforeg@justice.gove.za

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Non-Compliance to Datacentrix Policies/Processes and Work Instructions

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