



DATA PROTECTION AND INFORMATION SHARING POLICY

KIT KAT GROUP PROPRIETARY LIMITED

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1. INTRODUCTION

This Data Protection and Information Sharing Policy (“**the Policy**”) describes the way in which the Kit Kat Group Proprietary Limited (“**Kit Kat**”), will meet its legal obligations and requirements concerning confidentiality and information security processes and standards. The requirements and the premise on which this Policy is founded is in terms of South African legislation namely, the Protection of Personal Information Act No 4 of 2013 (“**POPI**”) and Promotion of Access to Information Act 2 of 2000 (“**PAIA**”).

2. DEFINITIONS

- 2.1. “**Consent**” means the voluntary, specific and informed expression of will;
- 2.2. “**Data Subject**” means the natural or juristic person to whom the Personal Information relates;
- 2.3. “**Direct Marketing**” means approaching a Data Subject personally for the purpose of selling a product or service, or requesting a donation;
- 2.4. “**Group**” means any of the subsidiaries as recognized in law of the Kit Kat Group Proprietary Limited;
- 2.5. “**POPI**” means the Protection of Personal Information Act No 4 of 2013;
- 2.6. “**Personal Information**” means information relating to an identifiable, living natural person or an identifiable existing juristic person as defined in POPI;
- 2.7. “**Processing**” means an operating or activity, including that by automatic or manual means concerning and/or relating to Personal Information.

3. APPLICATION

This Policy applies to all employees of the Group, its directors, sub-contractors, agents, customers and/or any other person (natural and juristic) that has any dealings with the Group. This Policy is also applicable to all on-site and off-site processing of Personal Information.

Kit Kat collects and uses Personal Information of the individuals and corporate entities with which it works with and/or has any dealings with in order to carry out and conduct operations of its business effectively and maintain satisfactory customer services. Furthermore, Kit Kat deems the lawful processing of Personal Information to be crucial in ensuring successful service delivery to both its customers, suppliers and distributors, and essential to maintaining the confidentiality between Kit Kat and all other stakeholders (including its customers. Kit Kat hereby and therefore endorses and adheres to the principals and requirements set out in POPI.

4. APPOINTMENT OF INFORMATION OFFICER

The Company and its Group hereby appoint Imraan Cassim, as its Information Officer. His details are:

Name: Mr Imraan Cassim
Designation: IT Director
Telephone: 012 327 6116
Email: imraan@kitkatgroup.com

5. CATEGORISATION

5.1. Customers:

5.1.1. **Natural Persons** – Full name, contact details, race, nationality and gender information, physical and postal addresses, identification numbers and date of birth, tax number (and other related tax information) and confidential correspondence; and

5.1.2. **Juristic Persons** – Full name of the legal entity, names and details of contact persons, registration number and other registration details, physical and postal addresses, financial information and details, founding documents, tax related information, names and detailed of authorized signatories, beneficiaries (where applicable), shareholder information (where applicable) and BBBEE information (where necessary and applicable).

5.2 Services Provides (both contracted and *ad hoc*):

Full name of the legal entity, names and details of contact persons, registration number and other registration details, physical and postal addresses, financial information and details, founding documents, tax related information, names and detailed of authorized signatories, beneficiaries (where applicable), shareholder information (where applicable) and BBBEE information (where necessary and applicable).

5.3 Employees (including Directors):

Full name, contact details, race, marital status, age, language and education information, nationality and gender information, physical and postal addresses, identification numbers and date of birth, tax number (and other related tax information), credit records, next of kin information, employment history and health and well-being information.

6. CATEGORIES OF RECIPIENTS FOR PROCESSING OF PERSONAL INFORMATION

Kit Kat may share the Personal Information received from its Data Subjects with its affiliates, associated companies and any other person that may use this information to send the Data Subject information on products or services. In addition to the above, Kit Kat and the Group, may supply the Personal Information to any party to whom Kit Kat may have assigned, delegated or transferred

any of its rights and obligations in terms of and/or under any agreement and/or to any service provider that renders the following services:

- 6.1. Conducting due diligence checks;
- 6.2. Capturing, organizing and storage of data;
- 6.3. Sending of emails and other correspondence to customers; and
- 6.4. Administration of Medical Aid's, Pension Schemes and Trade Unions.

7. PURPOSE OF PROCESSING PERSONAL INFORMATION

Kit Kat uses the Personal Information retrieved, under its care and supervision, from the various categories referred to in 4 in the following manner:

- 7.1. Providing products and services to its customers and/or distributors;
- 7.2. Discount(s) and funding purposes;
- 7.3. Administration of Agreements;
- 7.4. Conducting, reviewing and assessing credit references, credit assessments and credit checks;
- 7.5. Marketing and sales of products and services;
- 7.6. Keeping track of all accounts and records;
- 7.7. Profiling data subjects for the purpose of direct marketing;
- 7.8. Conducting customer marketing and customer satisfaction research and reviews;
- 7.9. Staff administration;
- 7.10. Detecting and the prevention of crime, fraud, money laundering and any other malpractice;
- 7.11. Complying with any legal or regulatory requirements; and
- 7.12. For any legal proceedings that need to be instituted or defended.

8. RETENTION OF PERSONAL INFORMATION RECORDS

Kit Kat may retain Personal Information records indefinitely, unless the Data Subject objects to this. In the event that the Data Subject objects to the indefinite retention of its Personal Information, Kit Kat will retain the Personal Information records to the extent and time periods as required by law or to the extent permitted.

9. TRANSBORDER FLOWS OF PERSONAL INFORMATION

Kit Kat may (if the need arises) transmit Personal Information transborder to Kit Kat's authorized dealers and/or suppliers in other countries, where and if the need arises. Furthermore, Personal Information may then be stored in hosted serves outside of South Africa, which may or may not have adequate data protection laws. Kit Kat will do its utmost best to ensure that its dealers and suppliers will make all the reasonable effort to secure said data and Personal Information.

10. INFORMATION SECURITY MEASURES

Kit Kat and the Group maintains and ensures that its technology and information systems are up to date in order to ensure and maintain confidentiality, integrity and availability of Personal Information which has been placed under its care. These controls and measures, include but are not limited to:

10.1. Firewalls;

10.2. Virus protection software and update protocols; and

10.3. Secure set up of hardware and software;

Kit Kat may in the future appoint outsourced service providers that process Personal Information on behalf of Kit Kat and its Group to implement and establish security controls.

11. ACCESS TO PERSONAL INFORMATION

11.1. Request for Access to Personal Information

Any individual or juristic entity may request access, deletion or amendments to their Personal Information held by Kit Kat or its Group. The above requests should be sent to the Information Officer on the prescribed form and adhering to the correct procedure outlined therein. The Information Officer upon review of your application may accept or refuse your request. Upon accepting the request from the Data Subject, the Personal Information will be provided within 30 working days, unless otherwise communicated to the Data Subject by the Information Officer. In the instance that the request is denied, refer to 11.2.

11.2. Procedure outlining if the request for Personal Information is denied

In the event that the Information Officer denies a request to provide Personal Information to the Data Subject, written reasons must be provided to the Data Subject and kept on record. The Data Subject may then appeal his request to CEO. In the event, the appeal for Personal Information request is upheld (i.e. The request is yet again denied), the Data Subject may approach a court of law for appropriate relief within 30 days of notification of the decision.

Furthermore, in the event that a third party is dissatisfied with the Information Officer's approval to grant the request for information may within 30 days of notification of the decision apply to a court of law for relief.

11.3. No record found and/or is non-existent

If Kit Kat and/or the Group believes that the record does not exist or cannot be found, after a reasonable search was conducted the requestor will be notified by way of an affirmation or an affidavit (including the steps taken to retrieve the information) by the Information Officer.

11.4. Grounds for Refusal

Kit Kat may on legal grounds refuse to grant access to requested Personal Information on the following grounds:

- 11.4.1. To protect Personal Information that Kit Kat holds in relation to third parties (whether natural persons or juristic persons including deceased persons) from unreasonable disclosure;
- 11.4.2. To protect commercial and proprietary information that Kit Kat holds about or in relation to a third party which may or may not include trade secrets, financial, commercial, labour, technical or scientific information that may if revealed will bring about loss and/or harm to the third party in question;
- 11.4.3. In the event that disclosure will breach duties of confidentiality to that third party in terms of an agreement;
- 11.4.4. Disclosure of the information would result in endangering the life or physical safety and security of an individual;
- 11.4.5. Disclosure of the information would result in the prejudice or impairing the protection or safety of the public;
- 11.4.6. The disclosure of information is privileged from production in legal proceedings, unless the legal privilege is waived;
- 11.4.7. Disclosure of such information would harm the commercial and financial interests of Kit Kat;
- 11.4.8. The record is contained as a computer or software program; and
- 11.4.9. The record contains any research that has been conducted or will be conducted on behalf of Kit Kat by Kit Kat or a third party.

12. IMPLEMENTATION OF THIS POLICY

New employees, suppliers, distributors and/or any other individual or entity that Kit Kat or its Group receives Personal Information will sign relevant clauses for the use and storage of relevant information and a confidentiality undertaking (where necessary) to ensure that there will be no breaches of confidentiality in relation to the Personal Information stored. Employees that are currently employed at Kit Kat and/or the Group will sign an addendum to their contract of employment informing and stipulating the relevant consent clauses. Employees that fail to comply with any confidentiality undertakings will result in disciplinary action to be taken. New and existing employees will be made aware of the terms of this Policy and the relevant founding legislation.

This Policy is in force, and training on this Policy will commence with the affected employees. Modifications and updates to laws on data protection and this Policy will be brought to the attention of all the staff employed at Kit Kat and Its Groups.

13. PROCESSING CONDITIONS

Kit Kat and the Group will ensure that Personal Information is processed in accordance with the following conditions:

13.1. Accountability and Openness

Kit Kat will ensure that all processing conditions as set out in POPI are adhered to and complied with when dealing with Personal Information. Kit Kat will take reasonable steps to ensure that Data Subjects are made aware of what Personal Information is collected, the purpose of the collection and processing, where the supply of such Personal Information is voluntary the consequence of not providing such Personal Information, whether collection is in terms of any law that requires Personal Information to be collected and whether the Personal Information will be shared with third parties.

13.2. Limitation to Processing Personal Information

The processing of Personal Information will be deemed to be lawful, if taking into account the reason and purpose of the processing, the information is reasonable, relevant, adequate and not excessive in nature. Kit Kat and its Group may only process Personal Information if the following grounds are present:

- 13.2.1. the Data Subject consents to the processing of Personal Information;
- 13.2.2. the processing of Personal Information complies with any legal obligation of Kit Kat, legislation and any other regulatory provisions in South Africa;
- 13.2.3. the processing of the Personal Information is necessary for the conclusion or in terms of any performance provisions of a contract with the relevant Data Subject(s);
- 13.2.4. the processing protects the legitimate interest of the Data Subject; and

- 13.2.5. the processing is necessary to pursue any legitimate interest of Kit Kat or any third party to who the information may be supplied.

13.3 Special Personal Information

13.2.6. POPI categorizes Special Information to include religious, philosophical or political beliefs, race or ethnic origin, trade union membership, health or sex life, criminal behavior, information concerning a child and biometric information (which includes fingerprints, DNA, blood type, voice recognition, photographs, retinal scanning and any other biometric information included in POPI).

13.2.7. As such, Kit Kat or its Group may only process such information in the following circumstances:

13.2.7.1. where the Data Subject consents to such processing;

13.2.7.2. the above information was made public deliberately by the Data Subject;

13.2.7.3. whether the Special Personal Information is processed for historical, statistical and research reasons;

13.2.7.4. in the instance where the processing of race or ethnic origin is to comply with affirmative action laws.

13.4 Refusal or Withdrawal of consent

All Data Subjects have the right to refuse or withdraw their consent to processing of their Personal Information. Furthermore, a Data Subject may object at any time to the processing of their Personal Information on any of the grounds above, unless legislation provides for the processing of such Personal Information. If and when the Data Subject withdraws their consent, Kit Kat and/or the Group will refrain from processing Personal Information.

13.5 Collection directly from the Data Subject

Personal Information must be collected directly from the Data Subject unless:

13.5.1 the information is contained within public record;

13.5.2 the Personal Information has been made public deliberately by the Data Subject;

13.5.3 the Personal Information can be collected from another source with the Data Subjects consent;

13.5.4 the collection of Personal Information from another source would not prejudice the Data Subject;

13.5.5 the collection of Personal Information from another source is necessary to maintain, comply with or exercise any legal right or other laws;

13.5.6 collection from the Data Subject would prejudice the lawful purpose of the collection; and

13.5.7 collection from, the Data Subject is not reasonably practicable.

13.6 Purpose Specification

Kit Kat and its Group will only process Personal Information for the specific purpose set out and as defined in this Policy.

13.7 Further Processing

Any new processing activity must be in compliance with the original purpose of processing such information. The following processing will be regarded as compatible with the purpose of processing if:

- 13.7.1 the Data Subject consented to such processing;
- 13.7.2 the Personal Information is contained in the public record;
- 13.7.3 the Personal Information was made public by the Data Subject deliberately;
- 13.7.4 the further processing must comply with or be exercised with any law or legal right;
- 13.7.5 further processing is necessary to prevent or mitigate a threat to the public, public health or safety (including the life of the Data Subject or a third party).

13.8 Information Quality

Kit Kat shall take reasonable steps to ensure that Personal Information is complete, accurate, updated and not misleading. Kit Kat shall review the records of the Data Subject periodically to ensure that the Personal Information is valid and correct. Furthermore, employees should contact the Human Resources Department immediately when Personal Information needs to be changed and/or updated.

13.9 Data Subject Participation

Data Subjects have the right to request access, deletion or amendments of their Personal Information. All requests must be submitted in writing to the Information Officer, unless there are grounds for refusal as specified above. Kit Kat and its Group shall disclose the requested Personal Information within a reasonable time, in a reasonable format, upon receipt of adequate proof of identity of the Data Subject and upon payment of the prescribed fee (if relevant). It is important to note that Kit Kat will not disclose any Personal Information unless the identification of the requestor is presented and verified.

13.10 Security Safeguards

- 13.10.1 Kit Kat will ensure the confidentiality of all Personal Information in its possession by identifying all reasonably foreseeable risks to the security of the information and to establish and maintain appropriate safeguards against such risks.
- 13.10.2 Any loss, theft, or unauthorized access to Personal Information must be reported to the Information Officer as soon as reasonably possible. Any loss or theft of

computers, laptops or other devices which may contain Personal Information must be immediately reported to the Information Officer, who shall notify the IT department, who shall take all necessary steps to remotely delete the information, if possible.

13.10.3 All electronically held Personal Information must be saved in a secure database. Furthermore, as far as reasonably practicable, no Personal Information should be saved on individual computers, laptops or hand-held devices, all computers, laptops and hand-held devices should be access protected with a password, fingerprint or retina scan, with the password being of reasonable complexity and changed frequently.

13.10.4 Employees shall be required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day. Electronical Personal Information which is no longer required must be deleted from the individual laptop or computer and the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable.

13.10.5 Kit Kat and its Group shall maintain written records of Personal Information of which

13.10.5.1 the Personal Information records will be kept in locked cabinets, drawers, safes or in a locked room;

13.10.5.2 the Personal Information records will not be left unattended in areas where non-staff members may access them;

13.10.5.3 Kit Kat will implement a policy wherein all employees shall be required to clean their desks of all Personal Information when leaving their desks from any length of time and at any time of the day; and

13.10.5.4 Personal Information that is no longer required must be disposed of by shredding.

14. DIRECT MARKETING

14.1 All Direct Marketing communications made with customers, distributors and/or any other natural or juristic person will be made from Kit Kat and or the Group, and an address or method for the customer to opt-out of receiving further marketing communication.

14.2 Direct Marketing will be carried out by electronic means to existing customers and is only permitted if the customer's details were obtained in the context of a sale or service and for the purpose of marketing the same or similar products.

14.3 The customer must be given the opportunity to opt-out of receiving direct marketing on each occasion of direct marketing.

14.4 Kit Kat may send electronic Direct Marketing communication to Data Subjects who have consented to receiving it and Kit Kat may approach a Data Subject for consent only once.

14.5 Kit Kat shall keep record of the date of consent, wording of the consent, the person who obtained the consent, proof of opportunity to opt-out on each marketing contact and any record of opt-outs.

15. DESTRUCTION OF DOCUMENTS

15.1. Documents may be destroyed after the termination of the retention period specified herein, or as determined by the Company from time to time. Each department will be responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by the Company pending such return.

15.2. Deletion of electronic records must be done in consultation with the IT Department, to ensure that deleted information is incapable of being reconstructed and/or recovered.

16. REVISION OF POLICY

This Policy may be updated at regular intervals, as may be necessary.

Policy implementation date: 28 June 2021