

Third Party Information Privacy Notice (“the Notice”)

Introduction.

MTN SA is committed to the protection of personal information, and to the collection and processing thereof in a transparent and lawful manner, in accordance with the Protection of Personal Information Act no.4 of 2013 (“PoPI Act”). The Third Party Information Privacy Notice explains how MTN SA collects, processes and uses Third Parties Personal Information, why it collects the Personal Information and with whom they share it.

Key Definitions

The following key terms should be read in conjunction with this Notice:

Term	Definition
Agreement	means the written contract entered into between the Third Party and MTN SA following the Third Party onboarding or Supplier Procurement process.
Consent	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
Data Subject	means the person to whom personal information relates;
PAIA	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
Personal Information	means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to— (a) information relating to the race, gender, sex, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or 5 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, , online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; (g) the views or opinions of another individual about the person; and (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
Processing of Personal Information	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

Term	Definition
	(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
Operator	means a person who processes personal information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that party.
Responsible Party	means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
Security Compromise	means an unauthorised person accessing or acquiring the Personal Information of a Data Subject.
Special Personal Information	means the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life / orientation or biometric Personal Information of a Data Subject, The criminal behaviour of a Data Subject to the extent that such information relates to: <ul style="list-style-type: none"> ▪ The alleged commission by a Data Subject of any offence; or ▪ Any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings.
Third Party	means any natural or juristic person external to MTN SA, who supplies goods and/ or services to MTN SA in terms of a written agreement. Third Parties also include suppliers, onbillers, resellers and business partners.

To whom does this Notice apply?

This Notice applies to all Third Parties entering into an Agreement with MTN SA.

Who we are (“MTN SA”)

Mobile Telephone Networks (Pty) Limited (“MTN SA”) is a private company, duly incorporated in accordance with the laws of the Republic of South Africa, with registration number 1993/001436/07, situated at 216, 14th Ave, Fairlands.

What we do

MTN SA plays a significant role in Telecommunications services in South Africa and beyond its borders through the provision of telephony, data and network services. We provide services across many crucial entities including but not limited to Government, Private Sector, Onbillers, Resellers, Emergency Services, Banking Services and our Customers.

What Personal Information do we collect?

MTN SA collects Personal Information when onboarding a Third Party, that may be used in connection with the Supplier Procurement process and/ or the conclusion, execution and management of the Agreement. The Personal Information collected includes, but is not limited to, the Third Party's registered name, address, company registration number, the names, identity numbers, addresses and other relevant details of the Third Party's directors and employees which may include financial information and banking details.

MTN SA also collects information about the Third Party's usage of its information technology and electronic equipment including, but not limited to, telephone, internet usage and emails.

In order to fulfil its lawful business and governance requirements, as well as to give effect to the terms of its Agreement with the Third Party, MTN SA may further collect Special Personal Information about the Third Party and/ or its directors and employees. This information includes, but is not limited to:

Information relating to biometrics, race, gender, sex, nationality, ethnic or social origin, physical or mental health, well-being, disability, culture, language and birth.

Where is the Personal Information collected from?

MTN SA collects Personal Information directly from the Third Party and/ or its authorised representatives during the onboarding process, self-registration process, and pre-qualification process, through its Third Party Questionnaire or procurement process. Where Personal Information is not collected directly from the Third Party and/ or its authorised representatives, the Third Party's consent will be obtained, where required, and the Third Party will be advised of the source from which the Personal Information is collected.

Why is Personal Information collected?

MTN SA collects, processes and uses the Personal Information, including Special Personal Information of a Third Party:

- to carry out and manage its business operations and requirements;
- to fulfil its obligations in terms of the Agreement;
- for purposes of management of the Third Party's compliance, performance and productivity in terms of the Agreement;
- in order to monitor and administer occupational health and safety requirements, corporate security, organisational charts, archiving e - mails and meeting legal reporting obligations;
- for vetting and verification and in order to ensure the security of MTN SA, its Employees, equipment, facilities and premises; and
- to pursue any of its other legitimate business interests in relation to the Agreement.

Should a Third Party fail or refuse to provide the Personal Information and Special Personal Information requested by MTN SA, certain obligations in terms of the Agreement may be delayed or performance in accordance with the Agreement may become impossible.

If MTN SA intends using the Personal Information collected from a Third Party for a purpose other than which it was originally collected for, it will ask the Third Party's consent to do so where required.

Retention Periods

The Personal Information of Third Parties will not be retained for a longer period than necessary, for achieving the purpose for which the information was collected, unless:

- the retention of the record is required or authorised by law;
- the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
- the retention of the record is required by a contract between the parties thereto; or
- the data subject or a competent person where the data subject is a child has consented to the retention of the record.

Monitoring

MTN SA may monitor Third Party activity and intercept Third Party communications conducted on MTN SA devices or via its telecommunication systems, in pursuit of its legitimate business interest. This may be done for the following purposes:

- managing performance and productivity in terms of the Agreement;
- securing information and business assets;
- enforcing policies and quality control;
- ensuring the safety of employees; or
- investigating misconduct or for purposes of enforcing the terms of the Agreement.

MTN SA may also engage the services of Third Parties to conduct such monitoring on its behalf.

To whom does MTN SA disclose the Third Party's Personal Information?

MTN SA may supply the Personal Information and Special Personal Information of the Third Party to individuals, entities, companies or organisations when required to do so by law or for purposes of lawful processing and / or fulfilling its obligations in terms of the Agreement. These entities include, but are not limited to:

- Business units within the MTN Group for purposes of Internal MTN SA processing.
- Regulators or judicial commissions of enquiry, any court, administrative, arbitration or judicial forum, statutory commission, or ombudsman making a request for data or discovery in terms of the rules of relevant forum, subject to the provisions of the PoPI Act and related legislation.
- The South African Revenue Services, or any other similar Government authority that is authorised to access such information.
- Other Third parties with whom MTN SA has contractual relationships to provide services to the Third Party or to MTN SA.
- Other Third parties with whom MTN SA has contractual relationships for the retention of data and/or provision of relevant business services.
- Anyone making a successful application for access in terms of PAIA.

How does MTN SA safeguard the Personal Information and Special Personal Information of a Third Party?

MTN SA takes reasonably practicable security measures to ensure the confidentiality and integrity of all Personal Information (including Special Personal Information) in its possession to prevent unauthorised or unlawful access, loss, destruction or damage.

Third Parties which are Operators

If a Third Party processes Personal Information for or on behalf of MTN SA (as an Operator), MTN SA will require such a Third Party to agree to the following additional terms in writing:

1. to ensure that it establishes and maintains reasonable security measures referred to in section 19 of the PoPI Act, including requiring that the Third Party notifies MTN SA immediately where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person;
2. to process the Personal Information only with the knowledge or authorisation of MTN SA; and
3. to treat the Personal Information as confidential, prohibiting the Third Party from disclosing it

unless the Third Party is required to do so by law or in the course of the proper performance of their duties.

Trans Border Information Flows.

MTN SA will only transfer the Personal Information of a Third Party to other Third Parties in foreign countries if:

1. The Third Party has specifically consented thereto;
2. It is necessary for the performance of the Agreement between MTN SA and the Third Party;
3. It is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a Third Party; or
4. MTN SA has contracted with a foreign Third Party, the contract shall contain clauses where such Third Party must comply with information privacy principles, policies and practices, similar to those contained in the PoPI Act, where the foreign Third Party is not subject to laws, binding corporate rules or agreements which offer an adequate level of protection.

Right to Access, Correct and Delete or Destroy Personal Information.

A Third Party, upon providing proof of identity, can seek confirmation of the Personal Information held by MTN SA and may request a record of such information, subject to a possible nominal fee.

Furthermore, the Third Party has the option to ask for correction or deletion of its Personal Information held by MTN SA. This request applies to any data that is deemed inaccurate, excessive, irrelevant, outdated, incomplete, misleading, or obtained unlawfully. Additionally, the Third Party can request the deletion or destruction of Personal Information that MTN SA is no longer authorised to retain.

For any requests related to correction, destruction, or deletion, they will only be processed if submitted in compliance with the appropriate forms Annexed hereto as “Annexure B”, “Annexure C” and “Annexure D”.

Quality of Information.

MTN SA shall ensure that the Third Party’s Personal Information is accurate and complete, however Third Parties must regularly check their records for accuracy and ensure that MTN SA is kept up to date with the most updated personal information.

Access to this Notice

The Third Party has the right to request a copy of this Notice and the notice is also available on our website at www.mtn.co.za.

Should the Third Party have any questions regarding this Information Privacy Notice or require that it is made available in another official language, assistance may be requested from the Information Privacy Office at popi@mtn.com.

In the Event of a Security Compromise

MTN SA shall ensure that there are reasonably practicable security measures in place to ensure the protection of Third Party’s privacy. In the event of an unauthorised person accessing or acquiring the Personal Information of a Third Party, a designated MTN SA official will conduct an internal investigation and, as soon as reasonably possible after the discovery thereof, notify the affected Third Party of the Security Compromise and of which protective measures to take.

Right to Object to Processing of Personal Information

A Third Party may only object to the processing of such of its Personal Information in respect of which consent has not been given or which is not required for purposes of the conclusion or performance of its Agreement with MTN SA. Any such objection must be on reasonable grounds and must be submitted for consideration to MTN SA in accordance with the relevant form, attached herewith as Annexure “A”.

Successful objection to the processing of Personal Information may affect compliance with the terms of the Agreement or the execution of the terms thereof.

Right to Complain

Third Parties have the right to lodge a complaint with the Information Regulator if MTN SA fails to lawfully process their Personal Information, fails to notify them of a security compromise affecting their Personal Information or transfers their Personal Information to Third Party in a foreign country without complying with the requirements of the PoPI Act in relation to such transfer.

For any information, queries, complaints or objections relating to the processing of personal information, Third Parties may contact MTN SA via the Information Privacy Office (popi@mtn.com) without compromising their right to lodge a complaint with the Information Regulator.

Contact Details

MTN SA Contact Details	Information Regulator's Contact Details
Information Privacy Officer MTN Innovation Centre 216 14 th Avenue Fairlands popi@mtn.com	The Information Regulator (South Africa) SALU Building, 316 Thabo Sehume Street, PRETORIA Tel: 012 406 4818 Fax: 086 500 3351 enquiries@inforegulator.org.za

Changes to this Notice.

An electronic version thereof is available on our website at www.mtn.co.za. MTN SA reserves the right to amend the Notice at any time. The current version shall always supersede and replace all previous versions of the Notice.

Applicable Laws.

This Information Privacy Notice is governed by the laws of South Africa. Any disputes which may arise out of this Information Privacy Notice are subject to the jurisdiction of the South African courts.

Dated: November 2023

Annexure A

See below an example of the letter you can send to us, to object to the processing of your Personal Information we have on records:

Attention: The CSO Complaints and Service Recovery Team Date: *<insert date>*

Dear CSO Contact Agent

customercare@mtn.com

PoPI@mtn.com

Objection to the processing of your Personal Information

I hereby object to the processing of my personal information for the reasons indicated below.

Your Details

Name and Surname / Organisation Name		ID / Passport Number / Company Registration	
Account number	<i><insert account number></i> relating to MSISDN (mobile number)	Mobile number	
Other contact Number(s)		Address	
Email			

Reasons for objection (Please provide detailed reasons for the objection)

You will provide me with the details of this objection in writing.

Regards

Requester's Name and Signature

Annexure B

See below an example of the letter you can send to us, for confirmation of what Personal Information we have on our records:

Attention: The CSO Complaints and Service Recovery Team

Date: <insert date>

Dear CSO Contact Agent

customercare@mtn.com

PoPI@mtn.com

Confirmation of Personal Information and/ or records

I hereby request MTN to confirm whether any Personal Information or records containing my Personal Information is in their/its possession or control relating to the below:

Your Details (or person to whom this request relates)

Name and Surname / Organisation Name		ID / Passport Number / Company Registration	
Account number	<insert account number> relating to MSISDN (mobile no.)	Mobile number	
Other contact Number(s)		Address	
Email			

I acknowledge that confirmation of this information is free of charge, and should I elect to request copies of the records that the retrieval may take up to 30 calendar days.

I understand that should the information provided be inaccurate, that I can request MTN to correct, delete or destroy it. There may be some grounds upon which MTN may or must refuse my request and MTN will provide me with the details of this refusal in writing.

Regards

Requester's Name and Signature

Annexure C

See below an example of the letter you can send to us, to rectify your Personal Information we have on our records, should you believe that it is inaccurate, misleading or outdated.

Attention: The CSO Complaints and Service Recovery Team

Date: <insert date>

Dear CSO Contact Agent

customercare@mtn.com

PoPI@mtn.com

Correction of Personal Information

I hereby request MTN to correct the following Personal Information for the reasons indicated below.

Your Details

Name and Surname / Organisation Name		ID / Passport Number / Company Registration	
Account number	<insert account number> relating to MSISDN	Mobile number	
Other contact Number(s)		Address	
Email			
Detail to be corrected	From:	To:	

Reason for correction (tick):

Inaccurate:

Irrelevant:

Excessive:

Out of Date:

Incomplete:

Misleading:

Obtained Unlawfully:

Regards

Requester's Name and Signature

Annexure D

See below an example of the letter you can send to us, to delete or destroy your Personal Information we have on our records, if you believe it is inaccurate, irrelevant, excessive, misleading, out of date, incomplete or unlawfully obtained:

Attention: The CSO Complaints and Service Recovery Team Date: <insert date>
 Dear CSO Contact Agent
customercare@mtn.com
PoPI@mtn.com
Deletion or destruction of Personal Information
 I hereby request MTN to delete/destroy the following Personal Information for the reasons indicated below.

Your Details

Name and Surname / Organisation Name		ID / Passport Number / Company Registration	
Account number	<insert account number> relating to MSISDN (mobile number)	Mobile number	
Other contact Number(s)		Address	
Email			
Detail to be deleted or destroyed	What detail?	Reason for deletion/destruction (tick): Inaccurate: <input type="checkbox"/> Irrelevant: <input type="checkbox"/> Excessive: <input type="checkbox"/> Out of Date: <input type="checkbox"/> Incomplete: <input type="checkbox"/> Misleading: <input type="checkbox"/> Obtained Unlawfully: <input type="checkbox"/>	

I acknowledge that there may be some grounds upon which you may or must refuse to delete or destroy the information. You will provide me with the details of this refusal in writing.
 Regards
Requester's Name and Signature