

PRIVACY NOTICE (GENERAL) IN TERMS OF SECTION 18 OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)

1. PURPOSE OF THIS STATEMENT

- 1.1 In order to engage with you, the Company (Steinmüller Africa (Pty) Ltd, Bilfinger Intervolve Africa (Pty) Ltd and Bilfinger Power Africa (Pty) Ltd), in our capacity as a responsible party, will process your personal information in compliance with POPIA.
- 1.2 For the purpose of this privacy notice (General), the following words and phrases will be used:
- **consent:** the voluntary, specific and informed consent which you give to us to process your personal information. Such consent may be expressly provided or implied by way of your action.
 - **data subject:** an individual or legal entity to whom personal information relates and who can be identified from such personal information.
 - **operator:** any person who processes personal information on our behalf in the capacity of client or contractor, such as verification agencies, service providers, accountants, auditors, legal practitioners, insurers, hosting service providers, occupational health providers, payroll providers, benefit administrators, organs of state, government, provincial and municipal bodies.
 - **personal information:** includes, but is not limited to, the following information relating to a data subject -
 - race; gender; sex; pregnancy; marital status; national, ethnic or social origin; colour; sexual orientation; age; physical or mental health; well-being; disability; religion; conscience; belief; culture; language; birth; education; financial; medical; criminal or employment history;
 - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the data subject;
 - biometric information;
 - personal opinions, views or preferences;
 - correspondence sent by the data subject that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - information relating to a juristic person, including name, address, contact details, registration details, financials and related history, B-BBEE score card, registered address, description of operations, bank details, details about employees, business partners, customers, tax number, VAT number and other financial information
 - the views or opinions of another individual about the data subject; and
 - the name of the data subject if it appears with other personal information relating to the data subject or if the disclosure of the name itself would reveal information about the data subject.
- special personal information:** information relating to race or ethnic origin, political persuasion, religious or philosophical beliefs, trade union membership, physical or mental health, sex life, sexual orientation, biometric or genetic data, and information relating to criminal behaviour, including offences and convictions.
- **processing / process:** any activity or set of activities performed on personal information, whether or not by automated means. POPIA contains a wide definition and processing therefore includes all types of usage of personal information, including the initial processing when we first collect your personal information and any further and ongoing processing.
 - **purpose:** the reason why we will process your personal information.
 - **responsible party:** the Company, as defined above.
- 1.3 Processing will be done in a lawful, legitimate and responsible manner and in accordance with POPIA.
- 1.4 In order to comply with POPIA, a person processing another's personal information must:
- 1.4.1 provide the data subject with a number of details pertaining to the processing of the personal information, before such information is processed; and
- 1.4.2 obtain the consent, explicitly or implied, from the data subject, unless such processing:
- is necessary to carry out actions for the **conclusion or performance of a contract** to which the data subject of the personal information is a party;
 - is required in order to comply with an **obligation imposed by law**; or
 - is for a **legitimate purpose or is necessary to protect or pursue the legitimate interest(s)** of i) the data subject; ii) the responsible party or iii) a third party to whom the personal information is supplied; or
 - is necessary for the proper performance of a **public law duty** by a public body or on behalf of a public body.
- 1.5 In accordance with the requirements of POPIA and in the interests of transparency, we set out below how the Company processes your personal information and the reasons therefor.

2. APPLICATION

This privacy notice (General) applies to the following data subjects:

- **Contractors, Vendors, Service Providers and users of our website:** all persons who provide us with goods or services, and / or who we interact and communicate with, either physically or via email or via our websites and on-line platforms. and / or who come onto our premises.
- **Regulators and Public Bodies:** persons who we engage with in order to discharge legal and public duty obligations, such as SARS, National Treasury, Department of Labour, the Financial Sector Conduct Authority, etc.
- **Business partners:** whether in their capacity as operators or not, who provide services, goods and other benefits to us or, our employees such as medical aids, pension or provident funds, administrators, financial service providers, advertising, marketing or PR agencies, wellness or health and medical providers, labour brokers, etc.
- **Applicants:** persons who apply for employment, a learnership or bursary with the Company.

3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION

Your personal information will be processed by us for the following **legitimate purposes, where applicable:**

- **Due diligence purposes:** To carry out a due diligence process before we interact with you or do business with you, including obtaining and verifying your credentials, such as your business details, credit and financial status and history, tax status, B-BBEE status, your performance related history and details of your employees, where applicable, such as medical status, education, employment history and qualifications, and to conclude a contract with you in the event that the due diligence is favourable. In the case of prospective job applicants to carry out ongoing due diligence exercises, including obtaining and verifying your contact and identity information, reference checks (LexisNexis), education and work history
- **To process transactions and provide or render or receive goods and services:** To perform under a contract between ourselves and our client and under any contract which has been concluded with you.
- **Attending to financial matters pertaining to any transaction:** To administer accounts or profiles related to you or your organisation, including registrations, subscriptions, purchases, quoting, invoicing, receipt of payments or payment of refunds, reconciliations and financial management in general.
- **Communications:** To make contact with you and to communicate with you generally or in respect of our or your requirements or instructions.
- **Risk assessment and anti-bribery and corruption matters:** To carry out organisation risk assessments in order to detect and prevent bribery, corruption, fraud and abuse, to comply with anti-bribery and corruption legislation, as well as to identify and authenticate your access to and to provide you with access to our premises and generally to ensure the security and protection of all persons present at our premises and entering or leaving our premises and / or to exercise our rights and to protect our and others' rights and / or property.
- **Legal obligation and public duties:** To comply with the law and our legal obligations, including to register with regulators, obtain and hold permits and certificates, register for VAT, Tax, PAYE, SDL, COIDA and UIF etc. and to submit reports or provide various notices or returns, to litigate and / or to respond to a request or order from a SAPS official, investigator or court official, regulator or public authority.
- **Security purposes: legitimate purpose and to comply with laws:** To permit you access to our premises and monitor via CCTV your interaction and access in and from our premises, and for general management, security and emergency incident control purposes as well as for data and cybersecurity purposes.
- **Sale, merger, acquisition, or other disposition** of our business: To proceed with any proposed or actual sale, merger, acquisition, or other disposition of our business.
- **Job applicants:** To communicate with you regarding recruiting and human resource administration, to manage recruitment, including legal eligibility for work and vetting. In the event that your application is successful, to conclude an employment contract with you and administer and manage all matters arising therefrom.
- **Other disclosures / purposes:** We may disclose your personal information to third parties if we believe that disclosure of such information is reasonably necessary to enforce our terms and conditions or other rights (including contractual obligations and investigations of potential violations of our rights). to address any complaint that you may have in relation to any of our products and/or services;

4. DETAILS OF THE PERSONAL DATA OR INFORMATION WE COLLECT FROM YOU

In order to interact with you for the purposes described above, we will, **where applicable**, process the following types of your personal information:

- **Your or your employer or organisation's information**, such as name, address, identity number, passport number, security number, phone number, cell phone number, vehicle make and registration number, email address, serial numbers of equipment, details regarding the possession of dangerous weapons, memberships or affiliations, your B-BBEE certificate your status with an organisation and similar data.

- **Account Information**, such as banking details, security-related information, performance-related information and billing-related information.
- **User Content**, such as content of communications, suggestions, questions, comments, user metrics and other information you provide to us or that you post on our websites and on-line platforms.
- **Device & Browser Information, Usage Information and Browsing History**, such as network and internet server information, internet protocol addresses, device and browser identifiers, advertising identifiers / interactions, content interactions, cookie identifiers, device location data and other similar data.
- **Your Image**, such as still pictures, video, voice and other similar data.
- **Identity Information**, such as government-issued identification information, tax identifiers and other government-issued identifiers.
- **Financial Information**, such as billing address, credit card information, billing contact details, banking details, tax and VAT numbers,
- **Your Employees' Education, and Employment Related Information**, where applicable, such as work performance and history, demographic data, medical condition, licenses and related compliance activities and accreditations, education history and similar data.
- **Social Media and Online Content**, such as information posted in social media and online profiles.
- **Career, education, and employment related information**, such as job preferences or interests, previous employment history, work performance and history, salary history, nationality and immigration status, professional license information, accreditations, memberships, education and qualifications of prospective employees.
- **Special Personal Information**, such as race; disability-related information; medical and health records; financial, credit, and criminal history; children's details; psychometrics and biometrics.
- **IT Information, including IT security-related information and similar data.**

5. SOURCES OF INFORMATION

Depending on your requirements, we will collect and obtain personal information about you either directly from you, from certain third parties or from other sources which are described below:

5.1. Direct collection: You provide personal information to us when you:

- Use our websites, applications, mobile applications or on-line platforms, including when you create, post or submit user content.
- Interact with us or request information.
- Enquire about or search for our goods, services or job vacancies..
- Create or maintain a profile or account with us.
- Conclude a contract with us.
- Purchase or use our goods or services.
- Purchase, use, or otherwise interact with content, products, or services from third party providers who have a relationship with us.
- Register for or attend one of our events or locations.
- Communicate with us by phone, electronic communication or in person.
- Complete a questionnaire, survey, support ticket or other information request form.
- When you submit a quotation or tender or offer to do business or conclude a contract with us.
- When you express an interest in employment, a bursary or sponsorship.

5.1.2 Automatic collection: We collect personal information automatically from you when you:

- Search for, visit, interact with, or use our websites, applications, mobile applications or on-line platforms.
- Use our goods or services (including through a device).
- Access, use, or download content from us.
- Open emails or click on links in emails or advertisements from us.
- Otherwise interact or communicate with us.

5.1.3 Collection from third parties: We collect personal information about you from third parties, such as:

- Your organisation and others with whom you have a relationship who provide or publish personal information related to you, including our customers or other third parties who create, post, or submit user content that may include your personal information.
- Professional or industry organisations and certification / licensing agencies that provide or publish personal information related to you.

- employment agencies, employees, previous employers; professional or industry organisations and certification / licensing agencies; third parties and affiliates;
- Third parties and affiliates who deal with or interact with us or you.
- Service providers and business partners who work with us and who we may utilise to deliver certain content, products, or services or to enhance your experience.
- Marketing, sales generation and recruiting business partners.
- SAPS, Home Affairs, credit bureaux and other similar agencies.
- Government agencies, regulators and others who release public records.
- Other publicly or generally available sources, such as social media sites, public and online websites, open databases and data in the public domain.

6. HOW AND WITH WHOM WE SHARE INFORMATION

We may combine your visit and navigational information with personal information that you provide. You may always choose not to provide personal information, but if you so choose, certain products and services may not be available to you.

We share personal information for the purposes set out herein with **the following categories of recipients:**

- Our employees and affiliate, associate and holding companies, for business and operational purposes.
- Your organisation and contacts, to fulfil or perform a contract or other legal obligation.
- Business partners, to jointly offer, provide, deliver, analyse, administer, improve and personalise products or services or to host events or deal with requests from you or your organisation, provided the purpose remains compatible with the purpose for which the information was originally collected;
- Third party content and service providers, including auditors, to perform tasks on our behalf which are connected with our relationship with you.
- Regulators, organs of state, government officials and law enforcement agencies, to comply with applicable law and requests from government or law enforcement bodies and to comply with or respond to a legal process.
- Change of control: We may transfer this privacy notice (General) and your personal information to a third party entity that acquires us or is merged with us as part of a merger, acquisition, sale, or other change of control process.
- Other disclosures, where we reasonably believe that disclosure is reasonably necessary to enforce our terms and conditions or other rights; to detect, prevent, or address fraud or security issues; and to protect against harm to the rights, property, or safety of the Company, our employees and other third parties.
- vendors / service providers (such as content providers, cyber service providers, security companies, HR and training service providers, external business legal and financial advisors).

7. MINORS

We do not intend to solicit or collect personal information from anyone under the age of 18. If you are under 18, you should not use or enter information on this site.

8. SECURITY OF INFORMATION

We have implemented technical and organisational measures designed to protect the security of personal information, taking into account the nature, scope, context, and purposes of processing personal information and the risks to individuals or entities. In this regard we will conduct regular audits regarding the safety and the security of your personal information.

- Your personal information will be stored electronically and, for operational reasons, will be accessible to persons employed or contracted by us on a need to know basis and, where appropriate, some of your personal information may be retained in hard copy.
- Once your personal information is no longer required for the purpose for which it was held, it will be retained in accordance with our records retention schedule. We calculate retention of personal information periods based on how long it is needed to (a) fulfil the purposes set out herein; (b) meet the timelines determined or recommended by regulators, professional bodies or associations, (c) comply with applicable laws and legal and contractual obligations; and (d) comply with your requests.

9. ACCESS BY OTHERS AND CROSS BORDER TRANSFER

We will only transfer your personal information to other countries if it is necessary to do so to achieve a legitimate purpose and then only to those countries that have similar data privacy laws in place or where the recipient concludes an agreement to comply with the confidentiality and privacy standards imposed by POPIA. However, please note that no method of transmission over the Internet or method

of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable measures designed to protect personal information, we cannot guarantee its absolute security.

10. YOUR RIGHTS

You, as a data subject, have certain rights, which you may exercise by accessing our **PAIA manual** on our website (www.steinmuller.bilfinger.com or www.bilfinger.intervolve.com). The appropriate request forms are included in the PAIA manual.

- **The right of access:** You may ask us, free of charge, to confirm that we hold your personal information, or to provide you with details, at a fee, as to how we have processed your personal information.
- **The right to rectification:** you have the right to ask us to update or rectify any inaccurate personal information.
- **The right to erasure (the 'right to be forgotten')**: where any overriding legal basis or legitimate reason to process your personal information no longer exists, and the legal retention period has expired, you may request that we delete your personal information.
- **The right to object to and restrict further processing:** where we do not need your consent to process your personal information, you may nevertheless object to such processing.
- **The right to withdraw consent:** where you have provided us with consent to process your personal information, you have the right to subsequently withdraw such consent.
- **The right to data portability:** you may request us to transfer your personal information to another party under certain circumstances.

10. CHANGES TO THIS PRIVACY NOTICE (GENERAL)

As our Company changes over time, this privacy notice (General) is expected to change as well. We reserve the right to amend the privacy notice (General) at any time, for any reason, and without notice to you other than the posting of the updated privacy notice (General) on our website and in this regard encourage you to visit our website frequently in order to keep abreast of any changes.

11. CONTACT US

Any comments, questions, suggestions or complaints about this notice or our handling of your personal information should be addressed to the Information Officer.

Information Officer : Gail Evans

Steinmüller Africa (Pty) Ltd, 45 De La Rey Road, Rivonia, South Africa

Phone: +27 11 806 3000

Fax: +27 86 613 1965

Email: info.steinmuller@bilfinger.com

Should you feel unsatisfied with our handling of any complaint that you have made, you are entitled to escalate your complaint to the South African Information Regulator who can be contacted at complaints.ir@justice.gov.za.

12. ACCEPTANCE

By providing us with the personal information which we require from you as listed under this privacy notice (General) :

- You acknowledge that you understand why your personal information needs to be processed;
- You accept the terms which will apply to such processing as reflected in this privacy notice (General);
- You acknowledge that we have a legitimate interest to process this personal information provided;
- Where consent is required for any processing as reflected in this privacy notice (General) or POPIA, Including in respect of personal information belonging to children under the age of 18) you hereby give your consent to the processing of this particular personal information and acknowledge that we have a legitimate interest and lawful basis for processing the information;
- Where you provide us with another person's personal information for processing, you confirm that you have shared this privacy notice (General) with and obtained the required consent from such person (s); and
- You acknowledge the accuracy of the personal information provided and undertake to advise of any changes thereto.