

## The Scatec Protection of Personal Information Act (POPI Act) Consent Form

The Scatec Protection of Personal Information Act 4 of 2013 (POPI Act) Consent Form has been formulated based on the requirements under Section 18 of the POPI Act. The POPI Act Consent Form is applicable to the consent required from third-parties Scatec engages with when required to collect, use, process and retain Personal Information.

Section 18 of the POPI Act can be summarised as the requirement to inform the data subject of the reason for collection, nature of the personal information being collected and consequences of not consenting. This requirement places the onus on Scatec as the responsible party to take reasonably practicable steps to ensure that you as the data subject are aware of the type of personal information being collected. The purpose for which the Personal Information is collected, whether the supply of this information is voluntary or mandatory etc. (S18 of the POPI Act is referenced on the last page of this Consent Form).

What is Personal Information: Personal information is any information that can be used to identify you as an individual or the company contracting with Scatec. Personal Information is defined by the POPI Act as information pertaining to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person. Including but not limited to your full name, identity number, account number, mobile / contact numbers, email address, physical address, nationality, registered business details and other unique identifiers. (refer to the Scatec Privacy Notice for more details and the definition of Special Personal Information)

What does Process mean? Process has the meaning given to it in the POPI Act (in summary, this means anything that is done with Personal Information, including its collection, storage, use, sharing and deletion).

In light of the implementation of the Protection of Personal Information Act, 2013 this POPI Act Consent Form applies to all third-party data subjects interested in Scatec and the need to adhere to the consent provision under the POPI Act.

As you may be aware of the compliance due date for the Protection of Personal Information Act was 1 July 2021. This deadline brings a few changes.

*One of these changes is that Scatec is required to obtain your consent before processing your Personal Information. **As such, you are herewith notified that you are entitled to refuse such consent and you may exercise such a right by responding to Scatec via email and /or to a Scatec representative that you do not consent.** The effect is that Scatec cannot lawfully contract with*

*you and will not be able to establish a business relationship / employment relationship.*

**Collection, use, processing, and retention of Personal Information to enter into a business relationship with Scatec, consent is required for:**

- Any personal data required to contract with Scatec, referred to in the Scatec Privacy Notice;
- Personal Information listed under Chapter 1 of the POPI Act which is required to protect the legitimate interests of Scatec and to comply with any legal duty and obligations.
- Corporate data such as Personal Information held as a juristic person required under the Vendor Registration Process to register as a vendor and needed to conduct Integrity Due Diligence background screening.

Where your interaction with Scatec through email or other correspondence implies consent to engage in a business relationship with Scatec, but where the required consent has not been provided by lack of communication or oversight on your part. The impact of indicating that you do not expressly consent to Scatec collecting and processing your personal information. The POPI Act provides Scatec with an alternative lawful justification for processing your Personal Information. The lawful basis can be attained by Scatec as detailed below:

- The processing of Personal Information is necessary for the conclusion of a contract;
- Complies with an obligation imposed by law;
- Protects the interest of the data subject (third-party);
- Personal information necessary for the legitimate interests of the responsible party (Scatec) in which personal information about third-parties may be processed for legal, personnel, administrative and management purposes.

Should you elect to provide your Personal Information and consent to Scatec for collecting, processing, and storing your personal data. It will be accepted that you have understood what we are requiring under the POPI Act. **The Scatec Privacy Notice is herewith attached** for you to understand and be informed as to how Scatec handles, processes, secures, protects the integrity of the Personal Information provided to us. Scatec will take reasonable measures to guard against unauthorised or unlawful disclosure, access or processing, accidental loss, destruction, or damage.

Your Personal Information may under certain circumstances be shared internally within Scatec and in limited instances with third parties for the purposes detailed in the Scatec Privacy Notice.

- For purposes relevant to complying with legal and regulatory requirements;
- To perform Scatec's anti-corruption obligations and enforce Scatec's rights under contracts with business partners, equity partners, and vendor related contracts. To KYC

these third-parties or to process and verify their Personal Information or to terminate a business relationship. It also includes activities in connection with investigating potential future business relationships.

- Scatec may transmit any Personal Information to a jurisdiction outside of South Africa for storage purposes or in connection with the operations of Scatec such as cloud based data backup and securely held databases under Scatec ASA (the Scatec parent company's control).
- As a vendor, equity partner, business development partner, consultant, corporate customer, the Mutual NDA is to be signed in conjunction with this consent form to ensure confidentiality and provisions for the proposed transaction between Scatec and you as the data subject are aligned.

The POPI Act regulates the processing of the Personal Information of data subjects (employees & third-parties contracting with Scatec) by the responsible party (Scatec) in a manner that gives effect to this right, subject to limitations. The processing of Personal Information is therefore limited but not prohibited. Scatec takes data privacy seriously however all data subject requests will be handled on a case-by-case basis.

Personal information will only be processed by Scatec, lawfully and in a manner that does not infringe on the data subject's privacy.

**Please note that no consent is required when:**

- the data subject (employee/ third-party) already has a contract in place with Scatec; or
- where the processing of the third-party's personal information is required in terms of the contract proposed, or
- where there is a reason in law for collecting or processing personal information of employees or contracting parties of Scatec. (Labour Relations Act, Basic Conditions of Employment Act, Occupational Health and Safety Act, FICA, Prevention and Combating of Corrupt Activities Act etc.)

The duration of the storage of personal data is determined by the respective legal retention period (such as commercial, tax, legislative retention periods). After expiry of this period, the corresponding data will be routinely deleted. Provided the Personal Information is no longer necessary for the performance or initiation of the contract and/or there is no longer any legitimate interest on Scatec's part in the further storage of this personal data.

If you have any data privacy / POPI Act concerns, Personal Information requests such as to delete your Personal Information must be made in an email to the Deputy Information Officer Kimisha Naidoo via [datasubjectrequest@scatec.com](mailto:datasubjectrequest@scatec.com) this is a shared mailbox with Jan Fourie as the Information Officer in which all personal data requests are handled confidentially.

Thank you for your kind cooperation and we will continue to ensure your Personal Information is handled securely and confidentially.

**I the undersigned data subject understand the purposes for which the Personal Information is required and hereby provide consent to Scatec to collect, process, and store my Personal Information.**

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signature: \_\_\_\_\_

Name of data subject: Vendor registration information

## S18 of the POPI Act

### Section 18 (1)

If Personal Information is collected, the responsible party must take reasonably practicable steps to ensure that the Data Subject is aware of—

- (a) The information being collected and where the information is not collected from the Data Subject, the source from which it is collected;
- (b) The name and address of the responsible party;
- (c) The purpose for which the information is being collected;
- (d) Whether or not the supply of the information by that Data Subject is voluntary or mandatory;
- (e) The consequences of failure to provide the information: (f) Any particular law authorising or requiring the collection of the information;
- (g) the fact that, where applicable, the responsible party intends to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisation;
- (h) Any further information such as the—
  - (i) Recipient or category of recipients of the information; (ii) Nature or category of the information; (iii) Existence of the right of access to and the right to rectify the information collected; (iv) Existence of the right to object to the processing of Personal Information as referred to in section 11(3); and (v) right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator, which is necessary, having regard to the specific circumstances in which the information is or is not to be processed, to enable processing in respect of the Data Subject to be reasonable.

(2) The steps referred to in subsection (1) must be taken—

- (a) if the Personal Information is collected directly from the Data Subject, before the information is collected, unless the Data Subject is already aware of the information referred to in that subsection; or
- (b) (b) in any other case, before the information is collected or as soon as reasonably practicable after it has been collected.

(3) A responsible party that has previously taken the steps referred to in subsection (1) complies with subsection (1) in relation to the subsequent collection from the Data Subject of the same information or information of the same kind if the purpose of collection of the information remains the same.

(4) It is not necessary for a responsible party to comply with subsection (1) if—

- (a) the Data Subject or a competent person where the Data Subject is a child has provided consent for the non-compliance;
- (b) non-compliance would not prejudice the legitimate interests of the Data Subject as set out in terms of this Act;
- (c) non-compliance is necessary—
  - (i) to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution, and punishment of offences;
  - (ii) to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997); (iii) for the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated; or (iv) in the interests of national security; (d) compliance would prejudice a lawful purpose of the collection; (e) compliance is not reasonably practicable in the circumstances of the particular case; or
- (f) the information will—
  - (i) not be used in a form in which the Data Subject may be identified; or
  - (ii) be used for historical, statistical or research purposes.