



# Khulisa Data Privacy Policy

## 1 Introduction

Khulisa Management Services (Pty) Ltd (Khulisa) is a South African company with its main office in Johannesburg, South Africa. This Data Privacy Policy applies to Khulisa's main office and all project offices.

This data privacy policy is meant to guide how we collect, use, share and protect your personal information. Khulisa subscribes to the conditions of the Protection of Personal Information Act (POPIA). POPIA describes personal information as information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.

- What Type of Personal Data Does Khulisa Collect?
- How Does Khulisa Collect Personal Data?
- How Does Khulisa Use Personal Data?

Khulisa abides by the provisions of the European Union General Data Protection Regulations (GDPR) (EU Regulation 2016/679) and other data protection legislation and policies that are country, region or client-specific. All Khulisa MERL activities that involve data processing will be reviewed on a case-by-case basis to ensure that Khulisa is compliant with applicable data privacy legislation, policies and frameworks that are country, region or client-specific. The following links, which are not exhaustive, are provided to legislation or policies that may be applicable in the provision of evaluation services:

- South Africa: [Protection of Personal Information Act \(POPI\) \(No. 4 of 2013\)](#)
- USA: [Foundations for Evidence-Based Policymaking Act \(Evidence Act\)](#) (Enacted: January 2019)
- USAID: Data will adhere to [Automated Directives System \(ADS\)-508 Privacy Program](#), which details USAID's internal policies and procedures for protecting programmatic data, and specifically personally identifiable information (PII).

It is designed to describe Khulisa's practices for data processing. Data processing includes the **collection, storing, retrieving, amending, deleting, archiving and sharing of data (source)**.

The policy applies to

- a) **Personal data** provided to us or requested by us, both by individuals themselves or by others, including clients, the end users/beneficiaries of our clients, subcontractors, current and former employees, and individual job seekers; and
- b) **Data** gathered during monitoring, evaluation, research or learning (MERL) activities conducted by Khulisa.

## Khulisa's General Principles of Data Processing

To ensure that data collected by Khulisa as part of its MERL work is processed correctly, the following principles are adopted:

1. **Legal obligation:** Data processing must have an established legal basis for doing so and verify these against the regulation requirements to ensure we are using the most appropriate legal basis;



2. **Legitimate interests:** Data processing is necessary for compliance with a legal and or contracted legitimate obligation to which Khulisa is subject;
3. **Performance of contract:** Data processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
4. **Performance of task in the public interest:** Data processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested on Khulisa;
5. **Protect the vital interests of an individual:** Data processing is necessary in order to protect the vital interests of the evaluation respondent, job seeker, or of another natural person;
6. **Consent:** The data subject has given informed consent to the processing of their personal data and voluntarily participate in MERL for one or more specific purposes (as applicable and required);

## Individuals Rights Regarding Personal Data

The EU's GDPR details an individual's rights regarding their personal data. Khulisa adheres and supports these rights and applies them to data held by us. These rights include:

- Right to access – Subject to certain conditions, individuals are entitled to have access to their personal data. Please email Khulisa's Privacy/Information Officer at [privacy@khulisa.com](mailto:privacy@khulisa.com) to request a copy of any personal data held by us.
- Right to data portability – Subject to certain conditions, individuals are entitled to receive their personal data in a structured, commonly-used machine readable format.
- Right to correction – Individuals may challenge the accuracy or completeness of their personal data and have it corrected or completed, as applicable. It is the individual's responsibility to help us keep their personal information accurate and up to date.
- Right to object to or restrict processing – Subject to certain conditions, individuals have the right to object to or ask us to restrict the processing of their personal data.
- Right of erasure – Subject to certain conditions, individuals are entitled to have their personal data erased (e.g. where personal data is no longer needed for the purposes it was collected for, or where the relevant processing is unlawful).
- Right to withdraw consent – As stated above, where our processing of anyone's personal data is based on their consent, they have the right to withdraw their consent at any time.
- Right to object to automated processing, including profiling – individuals also have the right not to be subject to the legal effects of automated processing or profiling.
- Right to be informed about restrictions to access personal data – Under special circumstances, Khulisa may be restricted by way of legislative measure from granting an individual access to personal data held by us.

## Collection of Data

We collect personal data and MERL information that is reasonably necessary for our business functions, recruitment activities, and in order to provide and develop our research, monitoring, evaluation, and learning services.

The types of personal data we may collect include but are not limited to:

- Name and gender;



- Date of birth;
- Personal contact details (e.g. telephone number, email address, physical address);
- Work authorization;
- Previous earning history (Biographical Data Sheets- biodatas)
- Occupation, references and previous employment history, education history;
- Information provided through other public media forums (e.g. LinkedIn, Devex, etc.);
- Previous and current employment history (CV and other attachments);
- Contractual and performance history with Khulisa;
- Names of References (with contact information and permission to contact); and
- Details of any disabilities and any accommodations disclosed by an individual.
- For individuals seeking U.S.-based employment opportunities, Khulisa is required to ask applicants to identify their race, ethnicity, gender, veterans and disability statuses. They are, nevertheless, under no obligation to provide that information.

We collect this information in a variety of ways, including, but not limited to:

- When carrying out evaluations, assessments, and other core-business activities which require the collection and processing of personal data through, for example, interviews, surveys, focus groups, and other tools on behalf of Khulisa's clients;
- Applications or responses submitted to Khulisa employment advertisements;
- When individuals follow Khulisa social media accounts and register or subscribe to our mailing list;
- Accessing, downloading documents, enquiries or comments made through our websites or social media accounts;
- When individuals voluntarily complete a customer service or provide feedback via email or other internet platforms;
- Through government agencies or third-party reporting services as legally required;
- Applications to attend events such as conferences, meetings, and training sessions;
- Through direct communication between the individual and Khulisa, such as email, mail, by telephone, and direct meetings.
- Khulisa uses a broad range of tools and platforms to collect personal data, including for both recruitment and Human Resources-related aspects and when conducting research and evaluation services.

### **Sensitive Personal Information**

Sensitive personal information may include, but is not limited to, racial or ethnic background, physical or mental health information, religious beliefs, genetic or biometric data, and sexual orientation. Khulisa will only collect sensitive information (as defined in Article 9 of the EU General Data Protection Regulation – GDPR) in circumstances where it is reasonably necessary for one or more of the services that we provide or functions that we carry out, and the relevant individual consent to the collection of the information, or we are otherwise required or authorized by or under law or a court/tribunal order to collect the sensitive information.

### **Informed Consent**

The collection of personal and other data is based on informed consent from the data subject. The **"Informed Consent Form"** specific to the MERL project or contract will document the relevant data processing and consent given by the individual.

The following information must be provided to individuals prior to the collection of data through informed consent forms:



- Description of the project and purpose of the MERL activity
- The rights and roles of the researcher/evaluator and the individual interviewee
- Confidentiality and anonymity of data provided and the identity of the interviewee
- Description of what data is being collected
- Why, where, how the data will be processed and used
- Who holds responsibility for management
- Volume and storage mechanism (digital, paper etc.)
- Backups (location, frequency)
- Retention schedules (how long kept to meet purpose)

A link to this policy **must** be provided with each informed consent and/or privacy notice.

All individual consents **must** be stored and documented in our systems.

All potential participants in an evaluation **must** provide informed consent AND opt-in to participate in the evaluation and to provide the minimal personal data. This is included in the Informed Consent Form.

Should an individual not agree to the informed consent, they will be excluded from the data collection process with no negative consequences.

### **Right to withdraw consent**

An individual may withdraw their consent to participating in MERL activities and associated processing of their personal data at any time (see Individuals Rights Regarding Personal Data). Be aware that there may be conditions or limitations on the Rights Regarding Personal Data in specific cases, as this depends on the specific circumstances of the processing activity.

Anyone seeking access to or withdrawal of their personal information held by Khulisa must verify their identity before access can be granted. If access to an individual's personal information is granted, access will usually be provided within 10 business days of our acknowledgement. Should the timeframe be extended beyond this period, they will be notified accordingly. If access to anyone's personal information is denied, we will advise in writing of the denial of access and the reasons for such within 10 business days of our acknowledgment of receipt of the request. Withdrawal of consent will be acknowledged within 10 business days.

## **Use and Disclosure of Personal Data**

Khulisa uses personal data provided voluntarily by individuals for a number of purposes connected with our business operations, which may include, but are not limited to:

- Establishing and maintaining communications with individuals;
- Providing and/or receiving services to/from individuals;
- Applying for employment, responding to solicitations, partnering with Khulisa, and sending communications to individuals as requested by them;
- Ascertaining the suitability of individuals for potential employment opportunities;
- Submission of documents to Khulisa's clients including expressions of interest, capability statements and tenders;
- Conducting promotional and marketing activities;
- Answering enquiries and providing information or advice about our services;



- Assessing the performance of our website and continually improving its operation so as to create a better overall user experience for individuals;
- Updating our records and to keep the contact details for individuals up to date;
- Processing and responding to any complaints made by an individual; and
- Complying with any law or in cooperation with any governmental authority or agency of any country.

Khulisa may disclose data that we collect from individuals for the purpose(s) that it was collected and for other purposes where we have received an individual's consent or are required to do so by the relevant law. Examples of where we may disclose your information include, but are not limited to:

- In our reports or datasets whereby the contract with the client requires the sharing of data or ownership of the data remains the property of the client as per legal contracts, and whereby the individual has been notified and agreed to this in the **Informed Consent Form**;
- Employees within Khulisa, including external service providers and contractors, on the basis that such providers treat such information confidentially and in accordance with this Privacy Policy;
- Clients, potential clients, insurers, lawyers, auditors, accountants, professionals and others where we have a commercial relationship and business interest in place and must do so in respect of conducting our core services; and
- Law enforcement, government, or other regulatory agencies (including tax authorities, social security entities) as provided for by law.
- We will not disclose an individual's personal or sensitive information without their consent or for reasons other than as described in this policy.

## Cross Border and Third Party Data Transfer

Given the nature of our global operations and presence, we may disclose personal data to our subsidiaries, divisions, business units, suppliers, and services providers located both in our corporate and all project offices. Where we transfer personal and MERL data, we utilize appropriate safeguarding measures and mechanisms to ensure the necessary level of data protection for any overseas transfers and that overseas recipients of personal and MERL data do not breach the applicable privacy regimes in relation to the information.

## Data Storage

Khulisa stores, processes and transfers data and information in South Africa, the USA, and in other countries as we operate globally and may transfer personal information to third parties for the purposes described in this policy.

All data is secured safely and Khulisa has taken steps to prevent the loss, damage, and unauthorised destruction of the personal information, and to prevent unlawful processing of this personal information.

Khulisa may keep records of data for historical, statistical or research purposes if safeguards have been established to prevent the records being used for any other purposes. Data may also be kept and stored securely if required by law, in accordance with the client contract or in accordance with the agreement with the subject, or if the data is stored for a longer period it will be in anonymised form.

Once the personal information is no longer needed for the specific purpose, it will be disposed of in the appropriate manner or stored as per the previous paragraph.



## Data Breach

If the event of a breach of this policy, and personal information has been accessed or acquired by any unauthorised people or bodies, Khulisa will notify the Information Regulator or relevant body (dependent on country or regional regulations), the client and the subject of the breach (if the subject is still known and contactable).

The notification to the subject will provide sufficient information to allow the subject to protect themselves against the possible consequences of the personal information falling into the wrong hands.

## Data Controller, Data Information Officer and Contact Details

Requests regarding the data protection rights, with any questions about this notice or with any concerns about possible violations of this notice should be submitted via any of the channels below:

Our Information /Privacy Officer can be contacted at [privacy@khulisa.com](mailto:privacy@khulisa.com)

In South Africa	In the USA
26 7 <sup>th</sup> Avenue	4550 Montgomery Ave. Suite 220
Parktown North	Bethesda, Maryland
Johannesburg 2193	20814
Tel: +27 11 447 6464	Tel: +1 301 951 1835
Fax: +27 11 447-6468	
Email: <a href="mailto:info@khulisa.com">info@khulisa.com</a>	Email: <a href="mailto:info@khulisa.com">info@khulisa.com</a>

## Policy Changes and versions

Khulisa reserves the right to change this Privacy Policy at any time without notice to reflect changes in our services and client feedback. We will post any changes to this Privacy Policy on our webpage and other places we deem appropriate as soon as they go into effect.

**Updated: 31 July 2021**