



INFORMED CONSENT NOTICE

CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS
OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)

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Consent to process personal information in terms of the Protection of information act, 4 of 2013 (POPIA)

For all persons who engage with Jaguar Land Rover (Pty) Ltd South Africa (“JLR”) from time to time

This Informed Consent Notice will apply to

- A. **Jaguar Land Rover South Africa (Pty) Ltd**
on the one hand, and
- B. **All persons and entities who engage with JLR from time to time including e-mail recipients and senders**
(Hereinafter referred to as the “Data Subject”)on the other hand

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1. ABOUT POPIA

The Protection of Personal Information Act, 4 of 2013, (“POPIA”) regulates and controls the processing of a person or legal entity’s Personal Information, which processing includes the collection, use, and transfer of a person or legal entity’s Personal Information.

2. POPIA DEFINITIONS

In order to understand the implications of this document and the objectives of POPIA the reader is to take note of the following definitions which are set out under POPIA and which will be used throughout this Informed Consent Notice and which may be used in the interpretation of this document:

(Note- Arranged from A-Z)

“**Biometrics**” means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;

JLR may from time to time make use of your / the Data Subject’s Biometrics for security access control and related identification procedures.

“**Child**” means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself;

JLR may from time to time have to process Personal Information of your/ the Data Subject’s children or dependants, which use will require your / the Data Subject’s consent to process, in your capacity as the “competent person” of the child or dependant.

“**Competent person**” means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;

Self explanatory

“**Consent**” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;

All Personal Information which you / the Data Subject provides to JLR in your capacity as a Data Subject, will be subject to this Informed Consent Notice and when / by providing JLR with your / the Data Subject’s Personal Information, you / the Data Subject gives us, JLR your / the Data Subject’s consent, express and or implied, to use your / the Data Subject’s Personal Information in accordance with this Informed Consent Notice.

“**Data Subject**” means you, the person who will provide JLR or its Operator(s) with Personal Information and who consents when providing such Personal Information, to JLR or its Operator’s use thereof in accordance with this **Informed Consent Notice**.

*A Data Subject will include you / the Data Subject, and the reader of this notice, who will be providing JLR, with your / the Data Subject’s Personal Information and which you / the Data Subject by virtue of you / the Data Subject providing such Personal Information to JLR, give JLR the required consent to use the Personal Information, in accordance with this **Informed Consent Notice**.*

“**Operator**” means a natural person or a juristic person who processes your/ a Data Subject’s Personal Information on behalf of JLR in terms of a contract or mandate, without coming under the direct authority of JLR;

JLR from time to time, in order to pursue and protect its legitimate interests and in many cases to protect you/ the Data Subject’s legitimate interests, may engage with an Operator, who will in terms of a contractual mandate be tasked with processing certain categories of your/ the Data Subject’s Personal Information on behalf of the JLR.

“**Person**” means a natural person or a juristic person;

Self explanatory

“Personal Information” means information relating to any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, including, but not limited to—

- (a) information relating to the 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 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, location information, 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;

In order to engage with any Data Subject, JLR will need to process certain Personal Information and related details pertaining to you / the Data Subject.

“Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—

- (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;
- (d) sharing with, transfer and further processing, to and with such information;

Self explanatory

“Record” means any recorded information—

- a) regardless of form or medium, including any of the following:
 - (i) Writing on any material;
 - (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - (iv) book, map, plan, graph or drawing;
 - (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

- (b) in the possession or under the control of a responsible party;
- (c) whether or not it was created by a responsible party; and
- (d) regardless of when it came into existence;

JLR and its Operators will from time to time process Personal Information pertaining to you / the Data Subject.

“Responsible Party” means JLR including without detracting from the generality thereof, its directorate and officials, management, executives, and employees and Operators who need to process your/ the Data Subject’s Personal Information for JLRoperational and business purposes.

Self explanatory

“Special Personal information” includes any information relating to an individual’s: Ethnicity, Gender, Religious or other beliefs, Political opinions, Membership of a trade union, Sexual orientation, Medical history, Offences committed or alleged to have been committed by that individual, Biometric details, and Children’s details.

As part of JLR due diligence and risk management activities, JLR and its Operators may from time to time have to process Special Personal Information pertaining to you / the Data Subject.

“You” means the person who is reading this Informed Consent Notice, namely the Data Subject, who by providing JLR with your Personal Information, in your capacity as an applicant for employment, for a bursary or learnership or internship, or in your capacity as an Employee of JLR, gives JLR and its Operators consent to use and process your / the Data Subject’s Personal Information in accordance with the provisions of this Informed Consent Notice and the word“your /yours”bears a corresponding meaning, as the context may indicate.

Self explanatory

3. EXPLANATORY NOTES

- 3.1 In terms of POPIA, where a Responsible Party processes a Data Subject’s Personal Information, the Responsible Party has a legal duty to protect that Data Subject’s Personal Information in a lawful, legitimate and responsible manner and in accordance with the provisions of POPIA read together with the core processing conditions set out under POPIA.
- 3.2 Furthermore unless the processing:
 - 3.2.1 Is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party; or
 - 3.2.2 Is required and complies with an obligation imposed by law on either the Data Subject or the Responsible Party; or
 - 3.2.3 Is necessary to protect the legitimate interest(s) of the Data Subject or the Responsible Party; or
 - 3.2.4 Is necessary for the proper performance of a public law duty by a public body; or
 - 3.2.5 Is necessary for pursuing the Data Subject or the Responsible Party’s legitimate interests, or that of a third party to whom the Personal Information is supplied, all processing of a Data Subject’s Personal Information must be done with the Data Subject’s express and informed consent and permission – i.e. the Data Subject has to consent to the processing of his / her / its Personal Information.
- 3.3 JLR does and will from time to time process Personal Information which belongs to, or which is held by a Data Subject.

3.4 Following this, in order to comply with POPIA, JLR in its capacity as the Responsible Party, requires your / the Data Subject's consent and express and implied permission to process your / the Data Subject's Personal Information.

4. PURPOSE OF THIS INFORMED CONSENT DOCUMENT

4.1 This Informed Consent Notice explains and sets out

- 4.1.1 What Personal Information belonging to you / the Data Subject will be processed by JLR;
- 4.1.2 Why JLR needs your / the Data Subject's Personal Information;
- 4.1.3 What JLR will be doing with your / the Data Subject's Personal Information;
- 4.1.4 Who JLR will be sharing your / the Data Subject's Personal Information with;
- 4.1.5 What JLR will do with your / the Data Subject's Personal Information once the purpose for the processing comes to an end.

5. APPLICATION OF THIS INFORMED CONSENT NOTICE

5.1 This Informed Consent Notice will apply to

- JLR,
- To you / the Data Subject, and
- To your / the Data Subject's Personal Information,

Which is processed or may be processed or further processed by JLR including any processing or further processing of your / the Data Subject's Personal Information by any Operators duly appointed by JLR.

6. PURPOSE FOR THE COLLECTION

6.1 In order for JLR to engage with you / the Data Subject, JLR needs to process your / the Data Subject's Personal Information including certain Special Personal Information pertaining to you/ the Data Subject, which Personal Information will be used for a number of legitimate purposes, including, inter alia, the following:

6.1.1 Security and access to JLR premises, facilities and systems

For the purposes of giving you / the Data Subject access to JLR premises and offices, facilities and systems, and for the purposes of managing the safety and security of the JLR facilities, including those of its employees and persons entering the JLR facilities, including

- the provision of security services;
- ensuring a safe working environment;
- the developing and implementing of security services policies and procedures; and
- security search, seizure and vetting services;

Administer and manage the JLRSA information systems which house your/ the Data subjects personal details, and the security thereof

6.1.2 Compliance with applicable laws

For the purposes of complying with a variety of lawful obligations, including without detracting from the generality thereof:

- Administrative laws,
- B-BBEE laws,
- Business laws,
- Company laws,
- Communication laws,
- Environmental laws,
- Financial and Tax laws,
- Health and Safety laws,
- Labour laws,
- Public sector laws,
- Security laws,

6.1.3 Corporate affairs and social networking purposes

For the purposes of inviting you / the Data Subject to JLR events and functions, networking forums as well as other educational and cultural events and forums, whether sponsored or organized by JLR or by other parties and for the purposes of ensuring that you are provided the details pertaining to these events, and are granted access to such events;

For the purposes of using your information and/or images under JLR brochures publications and related research material for Corporate Relations and PR purposes.

6.1.4 Protection of legitimate interests

For the purposes of protecting you / the Data Subject and / or JLR's legitimate interest(s) as well as for the purposes of investigating any matter which requires investigation and further attention in order to protect your legitimate interests;

6.1.6 Making contact with Data Subject or attending to Data Subject queries

For the purposes of making contact with you / the Data Subject and attending to your / the Data Subject's enquiries and requests; including:

- Provide you/ the Data Subject with an on-going after sales care service, including sending reminders and updates with regards to your JLRSA goods or services.
- Pursue, negotiate or conclude any transactions with you/ the Data Subject, in respect of the JLRSA goods and services and perform any act or obligation or exercise any right as anticipated, envisaged or described under the related sales, maintenance, lease, sponsorship, VIP or use agreements which are entered into.
- Provide you/ the Data Subject with, where applicable, emergency services such as road side assistance, access to the JLR In-Control services, and Brand Experience offerings.

- 6.1.7 Providing information to Data Subject
- For the purpose of providing you / the Data Subject from time to time with information pertaining to JLR, its directors, employees, services and goods and other ad hoc business-related information;
- 6.1.8 Pursuing a party's legitimate interests
- For the purposes of a pursuing your / the Data Subject's and / or JLR's legitimate interests, or that of a third party to whom the Personal Information is supplied;
- 6.1.9 Performing internal operations
- For the purposes of performing internal JLR operations;
- Conduct research, statistical and/ or analysis purposes, including data analysis, testing, research and product development and product review processes.
- 6.1.10 Fraud detection, investigation and prevention
- For the purpose of preventing and detecting fraud and abuse of JLR's processes, systems, procedures and operations, including conducting internal and external investigations and where necessary using your Personal Information in enquiries and hearings; investigating plagiarism, fraudulent activity, dishonesty, using another's information, and holding out its your own, cheating, acting unethically, unruly or unacceptable behaviour, infringement of codes or IP or other deviant behaviour.
- 6.1.11 Legal services
- For legal purposes, including without detracting from the generality thereof, the following legal purposes:
- 6.1.11.1 The drafting of contracts; Contracts Management, the drafting of General legal documents, legal correspondence, legal policy rules and legislation relevant to JLR's obligations and operations, providing Legal Advice and Legal Opinion , managing Legal Compliance and Risk in relation to the JLR, managing and handling all Litigation which has to be pursued or defended in connection with the JLR, Employee Disciplinary Matters, the provision of legal Education and Training, assisting with document management and Record Retention, attending to Employment Insurance matters, Receipt of Legal Process, regulation, management and control over Intellectual property including Copyright matters, and assisting with alternative dispute resolution matters.
- 6.1.11.2 You / the Data Subject agree and give JLR express permission to process and further process all Personal Information which you / the Data Subject will or have provided to JLR, including all Personal Information which has been requested by JLR or provided by you/ the Data Subject on a voluntary basis.
- 6.1.11.3 JLR in turn undertakes that it will only use your / the Data Subject's Personal Information referred to above for the purposes set out under this Informed Consent Document and for no other purpose, unless with your / the Data Subject's express and prior permission.

7. CONSEQUENCES OF YOU WITHHOLDING CONSENT OR PERSONAL INFORMATION

- 7.1 Should you / the Data Subject refuse to provide JLR with your Personal Information, which information is required by JLR for the purposes indicated above, together with the required and requisite consent to process the aforementioned Personal Information, then JLR will be unable to engage with you / the Data Subject.

8. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION

- 8.1 Your / the Data Subject's Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within JLR on a need to know and business basis, save that where appropriate, some of your / the Data Subject's Personal Information may be retained in hard copy/ paper format.
- 8.2 All Personal Information which you / the Data Subject provide to JLR will be held and / or stored securely.
- 8.3 Once your / the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the requisite and prescribed retention periods as required by the law applicable to such Personal Information and applicable in South Africa. On expiration of this retention period, JLR will thereafter ensure that such Personal Information is permanently destroyed, as the case may be.

9. ACCESS BY OTHERS AND CROSS BORDER TRANSFER

- 9.1 JLR may from time to time have to disclose your / the Data Subject's Personal Information to other parties, including its institutions or subsidiaries, trading partners, Auditors, Regulatory Bodies and / or governmental officials, overseas trading parties or agents, JLRSA's

authorised Retailers and/ or Authorised Service providers including tracking fleet management, insurance, roadside assist and emergency service providers, business partners, marketing and promotional agencies. In such disclosure will always be on a need to know basis and will be subject to an agreement which will be concluded as between JLR and the party to whom it is disclosing your / the Data Subject's Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

- 9.2 Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, your / the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations that those imposed by POPIA.

10. RIGHT TO OBJECT AND COMPLAINTS

- 10.1 You / the Data Subject is encouraged to make immediate contact with the JLR Information Officer at any time if you are not comfortable or satisfied with the manner in which JLR is processing your / the Data Subject's Personal Information. On receipt of your / the Data Subject's objection JLR will place a hold on any further processing of the record until the cause of the objection has been resolved. If you / the Data Subject is not satisfied with such process, you / the Data Subject has the right to lodge a complaint with the Information Regulator.

11. ACCURACY OF INFORMATION AND ONUS

- 11.1 POPIA requires that all your / the Data Subject's Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst JLR will always use its best endeavours to ensure that your / the Data Subject's Personal Information is reliable, it will be your / the Data Subject's responsibility to advise JLR of any changes to your / the Data Subject's Personal Information, as and when these changes may occur.

12. ACCESS TO THE INFORMATION BY THE DATA SUBJECT

12.1 You / the Data Subject has the right at any time to ask JLR to provide you / the Data Subject with details of the Personal Information which JLR holds on your / the Data Subject's behalf; and/or the purpose for which it has been used, provided that such request is made using the standard section 50 JLR PAIA process, which procedure can be accessed by downloading and completing the standard request for information form, housed under the JLR PAIA Manual which can be found on the JLR website at www.landrover.co.za/ www.jaguar.co.za or by [clicking here](#).

13. AMENDMENTS AND BINDING ON SUCCESSORS IN TITLE

13.1 JLR reserves the right to amend this **Informed Consent Notice** from time to time.

13.2 You/ the Data Subject are requested to please check the JLR website periodically to inform yourself / the Data Subject of any changes to said **Informed Consent Notice**.

14. DECLARATION AND INFORMED CONSENT

14.1 I / the Data Subject confirm that my / the Data Subject's Personal Information, provided to JLR is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then, in such an event, I / the Data Subject undertake to advise JLR or its Operator(s) of these changes.

14.2 I, / the Data Subject, in providing the required Personal Information to JLR and / or to its Operator (s), consent and give JLR express and informed permission to process and further process my /the Data Subject's Personal Information as and where required and acknowledge that I / the Data Subject understand the purposes for which the Personal Information is required and for which it will be used.

14.3 Furthermore, should any of the Personal Information which has been provided by myself concern or pertain to a legal entity whom I represent, I confirm that I have the necessary authority to act on behalf of such legal entity / Data Subject and that I have the right to provide the Personal Information and / or the required consent to use said Personal Information to JLR, on behalf of the aforementioned legal entity.

FOR FURTHER INFORMATION CONTACT:

Customer Care: 0860 110 090
crcza@jaguarlandrover.com

or

Customer First Contact Centre: 012 450 4209
crmsa@jaguarlandrover.com

or view the JLR Cookies & Privacy Policy at www.landrover.co.za | www.jaguar.co.za or by [clicking here](#).