
	Eskom's External Privacy Notice	Eskom
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**Eskom Holdings SOC Ltd (“Eskom”)
EXTERNAL PRIVACY STATEMENT**

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1. ABOUT


- 1.1. This Statement sets out how your Personal Information will be used by Eskom and applies to any information, including Personal and Special Personal Information, you give to Eskom or which Eskom may collect from third parties.
- 1.2. Eskom is a company, registered according to the laws of the Republic of South Africa; with its primary place of business at **Megawatt Park, Sunninghill , Sandton.**].
- 1.3. It is important that you read this Statement carefully before submitting any Personal Information to Eskom.

2. DEFINITIONS

- 2.1. For purposes of this Statement:
 - 2.1.1. **"Applicable Laws"** means all laws, regulations that Eskom is required to comply with;
 - 2.1.2. **"Eskom", "Us" or "We"** means Eskom Holdings SOC Ltd;
 - 2.1.3. **"Client", "Supplier" or "you"** means any prospective, new or existing client or vendor or supplier or customer of Eskom and its subsidiaries.
 - 2.1.4. **"DIO "** means the Deputy Information Officer;
 - 2.1.5. **"IO"** means the Information Officer of Eskom;
 - 2.1.6. **"Personal Information"** means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person, including the name, race, gender, marital status, address and identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 2.1.7. **"POPIA"** means the *Protection of Personal Information, 2013* and any regulations or codes of conduct promulgated thereunder;

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2.1.8. **“Processing”** or **“Process”** means any activity that involves the use of Personal Information. It includes any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

2.1.8.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

2.1.8.2. dissemination by means of transmission, distribution or making available in any other form; or

2.1.8.3. merging, linking, as well as restriction, degradation, erasure or destruction of information;

2.1.9. **“Special Personal Information”** means Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behaviour of a data subject to the extent that such information relates to 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; and

2.1.10. **“Statement”** or **“Privacy Statement”** means this External Privacy Statement;

2.1.11. **“Website”** means Eskom website with address : www.eskom.co.za.

3. SCOPE AND APPLICATION


3.1. By submitting any Personal Information to Eskom you provide consent to the Processing of your Personal Information as set out in this Statement, unless otherwise stated.

3.2. The provisions of this Statement are subject to mandatory, unalterable provisions of Applicable Laws.

3.3. Please do not submit any Personal Information to Eskom if you do not agree to any of the provisions of this Statement. If you do not consent to the provisions of this Statement, or parts

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of the Statement, Eskom may not be able to provide its products and services to you or procure products and services from you

- 3.4. You have the right to withdraw your consent for a specific Processing activity at any time. To withdraw your consent, please contact the relevant Deputy Information Office as stated in the PAIA/POPIA Manual published on the website.]. Once we have received notification that you have withdrawn your consent, we will no longer Process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

4. HOW TO CONTACT US

If you have any comments or questions about this Statement or how we handle your Personal Information, please contact the Information Officer or Deputy Information Officer of the relevant division or business unit of Eskom as stipulated in the **PAIA/POPIA Manual** displayed on the website.

4. AMENDMENT OF THIS STATEMENT


- 4.1. We may amend this Statement from time to time for any of the following reasons:

- 4.1.1. to provide for the introduction of new systems, methods of operation, services, products or facilities;
- 4.1.2. to comply with changes to any legal or regulatory requirement;
- 4.1.3. to ensure that our Statement is clearer and more favourable to you;
- 4.1.4. to rectify any mistake that may be discovered from time to time; and/or
- 4.1.5. for any other reason which Eskom, in its sole discretion, may deem reasonable or necessary.

- 4.2. Any such amendment will come into effect when notice is given to you of the change by publication on our Website. It is your responsibility to check the Website often.

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5. Information of children

5.1. We do not intend to collect and/or process any personal information of minors, unless we make this clear. If you do provide any personal information to us of children then you warrant that this is done with the consent of the child's parent or guardian to use this information as set out in this Statement.

6. Suppliers and vendors

6.1. In the course of our business agreement, we may collect personal information about you as a data subject to ensure that the business agreement and matters relating to the agreement can be fulfilled.

6.2. We may also conduct due diligence and probity checks on you to ensure that you meet the requirements set out in our procurement policy.

6.3. If you provide any personal information of other persons to us, such as your employees or directors and shareholders, you warrant that you are authorised to share their personal information with us for purposes set out in the Statement.

7. PRIVACY AND INDEMNITY


7.1. Eskom takes your privacy and the protection of your Personal Information very seriously, and we will only use your Personal Information in accordance with this Statement and applicable data protection legislation. It is important that you take all necessary and appropriate steps to protect your Personal Information yourself (for example, by ensuring that all passwords and access codes are kept secure).

7.2. We have implemented reasonable technical and operational measures to keep your Personal Information secure.

7.3. You hereby indemnify Eskom from any loss, damages or injury that you may incur as a result of any unintentional disclosures of your Personal Information to unauthorised persons or the provision of incorrect or incomplete Personal Information to Eskom.

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8. INFORMATION WHICH WE MAY COLLECT ABOUT YOU

8.1. We may collect the following information about you:

- 8.1.1. your name, title, address, telephone number, email address, gender, marital status, date of birth, place of birth, identity number, passport number, bank details, details about your employment, directorship, shareholding, tax number, and financial information.
- 8.1.2. recruitment information (including copies of right-to-work documentation, references from previous employer/s, employment history, salary information and other information included in a curriculum vitae (CV) or cover letter or as part of recruitment process)
- 8.1.3. results of psychometric assessments.
- 8.1.4. details of contracts, sales or leases executed with Eskom; and
- 8.1.5. sensitive or Special Personal Information, including biometric information, such as images, fingerprints and voiceprints.
- 8.1.6. In most circumstances, providing your Personal Information to Eskom is voluntary. Sometimes, it may be mandatory to provide your Personal Information to us. If you fail to provide certain information when requested, Eskom may not be able to perform the services you requested or may not be able to proceed with the evaluation and awarding of tenders, or concluding a contract for the procurement of goods and services from yourself or may be prevented from complying with its legal obligations.
- 8.1.7. sensitive or Special Personal Information, including biometric information, such as images, fingerprints, voiceprints, medical assessment information, information on criminal convictions and offences, race and ethnicity.

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8.2. Where you provide Eskom with the Personal Information of third parties you should take steps to inform the third party that you need to disclose their details to Eskom. Eskom will Process their Personal Information in accordance with this Statement.

9. **HOW WE COLLECT INFORMATION**

9.1. You may provide Personal Information to Eskom either directly or indirectly (through an agent acting on your behalf, or an introducer), by completing an application for our products and services or requesting further information about our products and services, whether in writing, through our website, over the telephone or any other means or by submitting a tender , RFP or RFQ or RFI application for the procurement of goods or services from yourself.

9.2. We may also collect your Personal Information from your appointed agent, any regulator, or other third party that may hold such information.

9.3. We collect Personal Information about applicants for employment through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties, including former employers, credit reference agencies or bureaus, or other background check agencies.

10. **USE OF INFORMATION COLLECTED**

10.1. We may use, transfer and disclose your Personal Information for the purposes of:


10.1.1. providing you with the services, products or offerings you have requested, and notifying you about important changes to these services, products or offerings or procuring from you goods and services;

10.1.2. evaluating, adjudicating and awarding of tenders, including but not limited to, RFPs, RFIs, RFQs

10.1.3. managing your account or relationship and complying with your instructions or requests;

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- 10.1.4. detecting and preventing fraud and money laundering and/or in the interest of security and crime prevention;
- 10.1.5. assessing and dealing with complaints and requests;
- 10.1.6. operational, marketing, auditing, legal and record keeping requirements;
- 10.1.7. verifying your identity or the identify of your beneficial owner, director or employees;
- 10.1.8. transferring or Processing your Personal Information outside of the Republic of South Africa to such countries that may not offer the same level of data protection as the Republic of South Africa, including for cloud storage purposes and the use of any of our websites;
- 10.1.9. complying with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and tax collection agencies;
- 10.1.10. recording and/or monitoring your telephone calls and electronic communications to/with Eskom in order to accurately carry out your instructions and requests, to use as evidence and in the interests of crime prevention;
- 10.1.11. conducting market research and providing you with information about our products or services from time to time via email, telephone or other means (for example, events);
- 10.1.12. where you have unsubscribed from certain direct marketing communications, ensuring that we do not sent such direct marketing to you again;
- 10.1.13. disclosing your Personal Information to third parties for reasons set out in this Statement or where it is not unlawful to do so;
- 10.1.14. monitoring, keeping record of and having access to all forms of correspondence or communications received by or sent from Eskom or any of its employees,

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agents or contractors, including monitoring, recording and using as evidence all telephone communications or Teams meetings between you and Eskom;

10.1.15. improving or evaluating the effectiveness of our business or products, services or offerings or improving or evaluating the effectiveness of your business or goods or services rendered to Eskom.

10.1.16. ascertaining whether an applicant for employment is legally entitled to work in South Africa;

10.1.17. to consider the suitability of any applicant for employment for appointment to position advertised by Eskom;

10.1.18. For security screening or vetting as part of job-specific requirements;

10.1.19. To ascertain fitness to work of an applicant for employment

10.2. Eskom may from time to time contact you about services, products and offerings available from Eskom or specific subsidiaries which we believe may be of interest to you, by email, phone, text or other electronic means, unless you have unsubscribed from receiving such communications. You can unsubscribe from receiving such communications by clicking on the unsubscribed link on the communication received.

11. DISCLOSURE OF YOUR INFORMATION


11.1. Your Personal Information may be shared with Eskom's subsidiaries, agents and sub-contractors, and selected third parties who Process the information on behalf of Eskom.

11.2. We may also disclose your Personal Information to third parties in the following circumstances:

11.2.1. who are contracted to provide products or services to you or who you may be contracted to provide products or services to Eskom or its subsidiaries.

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- 11.2.2. to assess and monitor any of your applications for products or services or to assess and monitor any of your contracts with Eskom or its subsidiaries;
 - 11.2.3. to determine which products and services may be of interest to you and/or to send you information about such products and services, unless you object or choose not to receive such communications;
 - 11.2.4. to have a better understanding of your circumstances and needs to provide and improve Eskom's products and services to your or your products and services supplied to Eskom;
 - 11.2.5. to any relevant person and/or entity for purposes of prevention, detection and reporting of fraud and criminal activities, the identification of the proceeds of unlawful activities and the combatting of crime;
 - 11.2.6. to any regulator or supervisory authority, including those in foreign jurisdictions, if Eskom is required to do so in terms of Applicable Laws;
 - 11.2.7. to a prospective buyer or seller of any of our businesses or assets;
 - 11.2.8. to any person if Eskom is under a duty to disclose or share your Personal Information in order to comply with any Applicable Laws, or to protect the rights, property or safety of Eskom, Clients or other third parties; and/or
 - 11.2.9. to your agent or any other person acting on your behalf, and or an introducer.
- 11.3. We may transfer your information to Eskom's subsidiaries, an agent, sub-contractor or third party who carries on business in another country, including one which may not have data privacy laws similar to those of South Africa. If this happens, Eskom will ensure that anyone to whom we pass your information agrees to treat your information with the same level of protection as if Eskom was dealing with it.
- 11.4. If you do not wish Eskom discloses this information to third parties, please contact us at the contact details set out above in clause 14. Eskom may, however, not be able to provide

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products or services if such disclosure is necessary or conclude any contract for the procurement of goods and services.

12. RETENTION OF YOUR INFORMATION


As a general rule, we will retain your information in accordance with retention periods set out in Applicable Laws, unless we need to retain it longer for a lawful purpose as set out in Eskom's Records Retention Standards. (For example, for the purposes of complaints handling, legal processes and proceedings.)

13. ACCESS TO, CORRECTION AND DELETION OF YOUR PERSONAL INFORMATION

- 13.1. You may request details of Personal Information which we hold about you under the *Promotion of Access to Information Act, 2000* ("PAIA"). Fees to obtain a copy or a description of Personal Information held about you are prescribed in terms of PAIA. Confirmation of whether or not we hold Personal Information about you may be requested free of charge. If you would like to obtain a copy of your Personal Information held by Eskom, please review our PAIA/POPIA Manual located on our website: www.eskom.co.za.
- 13.2. You may request the correction of Personal Information Eskom holds about you. Please ensure that the information we hold about you is complete, accurate and up to date. If you fail to keep your information updated, or if your information is incorrect, Eskom may limit the products and services offered to you or elect not to open the account.
- 13.3. You have a right in certain circumstances to request the destruction or deletion of and, where applicable, to obtain restriction on the Processing of Personal Information held about you. If you wish to exercise this right, please contact Eskom using the contact details set out above in clause 14.
- 13.4. You have a right to object on reasonable grounds to the Processing of your Personal Information where the Processing is carried out in order to protect our legitimate interests or your legitimate interests, unless the law provides for such Processing.

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14. **COMPLAINTS**

14.1. Should you believe that Eskom has utilised your Personal Information contrary to Applicable Laws, you undertake to first attempt to resolve any concerns with us. The complaints form can be located on Eskom's website.

14.2. If you are not satisfied with such process, you may have the right to lodge a complaint with the Information Regulator, using the contact details listed below:

E-mail address: complaints.IR@justice.gov.za

Physical address JD House
27 Stiemens Street
Braamfontein
Johannesburg, 2001

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