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| Data Protection Complaints Procedure: Obscure Technology (PTY) LTD(collectively known for purposes of this document “the Company”) |  |

**Approver:** Company Management Team

**Scope:** Applies to all employees and activities undertaken by the Company

**Approval date:** 23 June 2021

**Next review date:** TBC

1. **Introduction**

The POPI Act deals with complaints in some length under chapter 10 (Enforcement).

In terms of section 74, any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a Data Subject. A complaint to the Regulator must be made in writing.

If an Information Supplier, Responsible Party or Data Subject feels that the Company has acted outside of the requirements of POPI or in terms of the conditions by which the Company had processed a Data Subjects' Personal Information, we would like to invite such a person to address their complaint to us in writing at the details below.

1. **To determine if it is a POPI complaint**

If the Data Subject alleges that the Company or its representatives:

* 1. Were not authorised to process an individual's personal information;
	2. Have processed, shared or otherwise dealt with personal information outside of terms agreed with that party; or
	3. Have otherwise contravened or failed to comply with any provision of the POPI Act.

It should be treated as a POPI complaint. The person or institution lodging the complaint is hereinafter referred to as "the Complainant".

1. **Internal complaint resolution procedure**
	1. If a complaint against the Company is not in writing, the Company must request the Complainant to lodge the complaint in writing and to provide the necessary supporting documentation;
	2. The Information Officer will receive the written complaint and supporting documentation;
	3. The Information Officer will log the date and contents of the complaint in the Complaints Register. This record must be maintained for a period of five years;
	4. The Information Officer will appoint a relevant staff member/s to investigate the complaint;
	5. The Information Officer will acknowledge receipt of the complaint in writing within 3 business days of receipt, and give the Complainant the name and contact details of the staff member/s responsible for the resolution of the complaint;
	6. The relevant internal department or staff member/s and any other resources or manpower, will investigate the complaint to ascertain whether the complaint can be resolved immediately;
	7. If the complaint is of a serious nature, the complaint will be handled and investigated by the Information Officer or any other senior staff / executive management;
	8. If the complaint can be resolved immediately, the relevant staff member/s will take the necessary action and advise the Complainant accordingly;
	9. If the complaint cannot be resolved immediately, Compliance will send the Complainant a written summary of the steps to be taken to resolve the matter and the expected date of resolution;
	10. If unable to resolve the complaint within 3 weeks of logging the complaint in the Complaints Register, Compliance will notify the Complainant by means of a written acknowledgement. This must outline the current status of the complaint and the expected date of final resolution;
	11. If unable to resolve the complaint within a further 3 weeks of the written acknowledgement (6 weeks since complaint was logged), Compliance will notify the Complainant, giving full written reasons as to why the outcome was not favourable, and advise the Complainant of their right to seek legal redress by referring the complaint to the Information Regulator;
	12. The notification must clearly indicate that the Complainant may refer the matter to the Information Regulator. The Information Regulator’s address and other contact details must be provided to the Complainant;
	13. The relevant internal department or staff member/s investigating the complaint must keep the Information Officer and Compliance up to date with the investigation;
	14. As soon as Compliance receives any updates, developments and activities regarding the complaint, they must update the Complaints Register with all developments and activities.
2. **Complaints Process Flow**
	1. Complainant lodges a complaint with the Company staff member;
	2. If complaint is not in writing, the Company staff member is to request that the complaint be in writing and to be submitted along with the necessary supporting documentation;
	3. Complaint received by staff member and handed to Information Officer. Complaint is validated and logged on Complaints Register;
	4. Information Officer acknowledges receipt of complaint in writing within 3 business days;
	5. Complaint is assigned to a staff member by Information Officer and investigated;
	6. Resolve the complaint immediately or take the necessary action and advise the complainant of steps taken and expected date of resolution;
	7. Information Officer updates the Complaints Register with all developments/activities;
	8. Information Officer to inform the Complainant in writing of the resolution of the complaint and the outcome;
	9. Information Officer to notify the Complainant if complaint is not resolved within 3 weeks - advise the Complainant on status of the complaint;
	10. Information Officer to notify the Complainant of final outcome. This must be within 6 weeks of receiving the complaint.
	11. Information Officer to advise the Complainant of other options if complaint could not be resolved e.g. Information Regulator.
3. **Information Regulator**

The Information Regulator's contact details are as follows:

JD House,

27 Stiemens Street

Braamfontein

Johannesburg

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inforeg@justice.gov.za