



Skynamo and POPIA (Protection of Personal Information Act 4 of 2013 applicable to South Africa)

Version 1 – 2 June 2021

Purpose of this document

This discussion document explores the application by Skynamo of the South African POPIA regulations and details the steps we have taken, and are planning to take, to ensure our current and continued observance. The Skynamo Software collects and processes personal data on behalf of Customers.

Skynamo will be acting as an Operator in relation to the personal data it collects on behalf of our Customers. Skynamo believes that organisational compliance is a business process and must be continually addressed.

It is not a 'once and done' box to be ticked, but a commitment to meet. Therefore, this document is an organic one that will change over time as we improve our understanding of how POPIA impacts our internal processes and those of our customers.

The purpose of this document is only to provide information on how POPIA will apply to the personal data processed by Skynamo and is not intended to be contractually or legally binding in any way whatsoever, nor is it intended to constitute legal advice on your company's compliance with POPIA.

Whilst Skynamo makes reasonable efforts to update the information included in this document, it makes no representations, warranties or guarantees that the content in the document is accurate, complete or up to date. You are currently reading version 1 of this document and it is subject to change without notice. Please send any comment, questions or queries to dpo@skynamo.com.

What is POPIA?

The Protection of Personal Information Act 4 of 2013 will come into force in South Africa on 1 July 2021. The purpose of the act is to ensure that the personal information of the South African public is protected by those who collect such information.

There are eight key principles under POPIA with which organisations must comply with. These principles are:

1. ACCOUNTABILITY: You will be responsible for ensuring POPIA compliance;
2. PROCESSING LIMITATION: You must only process that information which you require;
3. PURPOSE SPECIFICATION: Personal information must be collected for a specific purpose;
4. FURTHER PROCESSING LIMITATION: Further processing of personal information (i.e. outside original purpose) must be compatible with the original purpose of collection;
5. INFORMATION QUALITY: You must keep personal information records accurate and up to date;

6. OPENNESS: You must disclose certain information to data subjects (i.e that their information is being collected, where it is collected from and how it is used);
7. SECURITY SAFEGUARDS: You must secure the integrity and confidentiality of personal information;
8. DATA SUBJECT PARTICIPATION: You must allow data subjects to access their personal information.

POPIA is similar to the EU's GDPR in that it essentially requires any entity that processes personal data to ensure that:

1. the data is kept in a manner that is safe from unauthorised breaches;
2. individuals have access to their data and can change or delete their data from the system should they wish to;
3. there is a specific person appointed to make sure that the entity complies with the POPIA; and,
4. entities are accountable in the way that they deal with individuals' personal data.

Who does this apply to?

Skynamo (Pty) Ltd is a limited liability company incorporated according to the laws of South Africa with registration number 2012/052717/07 ("Skynamo SA").

Skynamo Inc. is an entity incorporated in the U.S. in the state of Delaware ("Skynamo Inc."). registration number?

Skynamo Inc. contracted Skynamo (Pty) Ltd to market and sell its software product in South Africa and licensed it accordingly Skynamo (Pty) Ltd provides support services for Skynamo customers worldwide. Therefore, Skynamo (Pty) Ltd's customers' data is stored and processed by Skynamo (Pty) Ltd and other sub-processors such as Amazon and SendGrid.

In the provision of its service, Skynamo (Pty) Ltd makes use of "sub-processors" to store and process personal data. Skynamo ensures that it includes appropriate POPIA compliant data processing provisions in its contracts with sub-processors. Customers will be notified if Skynamo (Pty) Ltd appoints a sub-processor.

Current list of sub-processors:

Amazon

SendGrid

Data Processing

Why does Skynamo store and process personal data?

Skynamo is a field sales management platform and mobile sales app for sales managers and field sales reps. It tracks and analyses sales rep activities and provides sales history, stock, pricing and promotional information so that reps can make smarter decisions and sell more. To offer this service, Skynamo needs access to each customer's sales reps' personal information.

Where does Skynamo store personal data?

The data of customers who are based in South Africa is stored on Amazon Web Services (AWS) servers in the United States. For details on AWS cloud storage security, visit <https://aws.amazon.com/security/>

Duration of the Processing

The duration of data processing shall be for the term agreed upon by the customer.

Nature and Purpose of the Processing

The scope and purpose of processing of the end users' personal data is to facilitate the provision of Skynamo's services and the use of the Skynamo software.

Types of Customer personal data

The personal data processed includes e-mail, live GPS tracking, documents and other data in an electronic form provided in the context of Skynamo's services, which shall not include any 'Special Categories' of data. Skynamo processes and stores the following levels of personal data as a service to our customers:

- Users' personal data (names, contact numbers and monitoring of location).
- Contact persons of users' customers (although customers are usually businesses, the customers' contact information will usually contain the details of a contact persons e.g. name, contact number and e-mail of the store manager).

Categories of Data Subjects:

Data subjects include the customer's representatives and end users including employees, contractors, collaborators, and customer's customers. Data subjects may also include individuals attempting to communicate or transfer personal information to users of Skynamo's services. The data subjects exclusively determine the content of data submitted to Skynamo.

Security

Personnel

Skynamo personnel will not process customer data without authorisation. Personnel are obliged to maintain the confidentiality of any customer data and this obligation continues even after they have stopped working with Skynamo.

Data Privacy Contact

Skynamo has appointed an Information Officer (IO) to oversee Skynamo's data protection program and ensure that Skynamo is POPIA compliant.

Name and contact info: Wim Morris, dpo@skynamo.com

The duties of the IO are to:

1. encourage compliance with POPI;
2. deal with requests made to the organisation in relation to POPI;
3. working with the Regulator in relation to investigations;
4. otherwise ensuring compliance with POPI;
5. Any other duty as may be prescribed from time to time by the Regulator.

Technical and Organisation Measures

Skynamo has implemented and will maintain appropriate technical and organisational measures, internal controls, and information security routines intended to protect customer data against accidental loss, destruction or alteration, unauthorized disclosure or access, or unlawful destruction.

ISO 27001

Skynamo is ISO 27001 certified. This means Skynamo adheres to strict security controls and policies for the protection of personal data.

Access and Erasure

Data subjects have the right to access, amend and erase their personal data being processed. These requests must be directed and complied with by the Responsible Party – who, in Skynamo’s case, is the customer.

Skynamo South Africa operates as a Data Operator for the personal information of our Customers’ employees and will therefore not deal with these requests directly. All such requests will be directed to the Responsible Party (i.e. our customer). Skynamo as the Data Operator will, however, assist the Responsible Party by appropriate technical and organisational measures to fulfil its obligations in this regard.

Internal Education

Skynamo trains all employees regarding their data protection responsibilities and conducts yearly refreshers. Skynamo also abides by a strict Acceptable Use Policy in order to ensure security around its data.

FAQ

Are you POPIA certified?

No, as far as we are aware one cannot be POPIA certified. There is no audit and certification body but if this happens we will seek certification.

Do you have a POPIA Manual?

No, we do not have a POPIA manual. POPIA manuals are not required under POPIA for the moment.

How are you protecting your customers’ data?

We are in the continuous process of improving our POPIA compliance and protect our customers and their users’ data by Design and Default. Skynamo is also ISO 27001 certified which means our processes and controls relating to protecting customer data adheres to the highest standards.

Where is the data stored?

The data of Skynamo’s RSA customers are stored on AWS infrastructure in the USA, but can be accessed from South Africa if a support query is lodged based on the specific personal data.

What process did you follow to get ready for POPIA?

Skynamo appointed an Information Officer and registered them with the Information Regulator. Skynamo contracted legal advice and implemented procedural and architectural changes as needed and continues to do so.

Is your data encrypted when sending orders via email?

No. Emails are transmitted via secure protocols and are safe in transit, but any recipient (intentional or not) will be able to read the email.

Can you switch the GPS off because surely that is not POPIA compliant?

The use of a live tracking service is not prohibited by the POPIA. Since September 2019 it is, however, possible to enable the no-tracking option. Please note when you select to turn off tracking, your location is no longer stored, unless you log a visit. Visit locations are used to report on onsite and offsite visits at your customers. This means no one will be able to see your live location or the route that you travelled during the day on any of the reports in Skynamo.

Even though we don't save your location, we still need access to the location of your device to give you a smooth experience in terms of sorting the customer list to show the customers closest to you. For travel claim purposes we only save the distance that you travelled for the day. For more information on how to change your tracking settings in Skynamo, please feel free to contact our support team at support@skynamo.com.

How does Skynamo obtain the personal data it processes?

The personal data which Skynamo processes is inputted by customers or Users on the Software and is also collected automatically whilst Users use the Software.

What is the retention period generally for the personal data Skynamo stores?

As required by our customers.

Is the personal data Skynamo holds shared with third parties?

As explained above, the personal data which Skynamo processes is only shared with the sub-processors which Skynamo appoints. The personal data is not shared with any other third parties which are not involved in the processing of the personal data.

Can customers or Users delete the personal data?

Yes, all data can be deleted from the Software and from our databases upon the instructions of our customers.

Disclaimer - This discussion document is neither a magnum opus on RSA data privacy and data protection laws nor does it constitute legal advice regarding your company's compliance with RSA data protection laws like POPIA. Instead, it provides background information to help you better understand how Skynamo is addressing POPIA. This legal information is not the same as legal advice, where an attorney applies the law to your specific circumstances, so we insist that you consult an attorney if you'd like advice on your interpretation of this information or its accuracy. In a nutshell, you may not rely on this document as legal advice, nor as a recommendation of any legal understanding.