

PHOENIX BEVERAGES LTD

EMPLOYMENT (PRIVACY) NOTICE

1. Introduction

- 1.1 In this Employment (Privacy) Notice, 'PBL' refers to Phoenix Beverages Ltd and all the words and expressions used in this Employment (Privacy) Notice shall be interpreted and construed in line with the definitions used in PBL's General Data Protection Policy.
- 1.2 This Employment (Privacy) Notice should be read and interpreted in conjunction with and subject to PBL's General Data Protection Policy that governs all the personal data processing activities of PBL.
- 1.3 This Employment (Privacy) Notice is relevant to all persons in PBL's employment whose personal data is collected by PBL, whether by automated or non-automated means, in line with the requirements of the Mauritius Data Protection Act 2017 ('DPA').

2. Responsibilities

- 2.1 PBL is responsible for ensuring that this Employment (Privacy) Notice is made available to all its employees in order to provide to the said employees with all relevant information pertaining to the collection/processing of their personal data for the due execution of their contracts of employment with PBL.
- 2.2 PBL has ensured that all its relevant préposés who interact or otherwise deal with the personal data of employees of PBL are responsible for ensuring that:
 - 2.2.1 this Employment (Privacy) Notice is drawn to the attention of PBL's employees when processing the latter's personal data; and
 - 2.2.2 they obtain the consent of the said employees prior to the processing of their data wherever consent is required under the DPA.

3. Privacy Statement

3.1 What personal data of its employees does PBL process?

- 3.1.1 The personal data PBL is likely to collect from its employees and process is:
 - National Identity card number

- bank account number;
- telephone numbers;
- birth certificate;
- qualifications;
- residential address;
- certificate of character; and
- contact details of next of kin provided that the employee has obtained the consent of the said next of kin unless the said contact details are only used to protect the vital interests of the employee.

3.1.2 The personal data PBL collects will be used for the following purposes:

- (a) for the preparation and/or execution of the contracts of employment of the said employees;
- (b) for the payment of the salaries and other pecuniary benefits accruing to the said employees under both their contracts of employment and the law;
- (c) for contributions to the National Pensions Scheme;
- (d) for compliance with all the relevant statutory provisions and regulations pertaining to the employment of the said employees
- (e) for sending correspondence by email and/or post to the said employees;
- (f) for contacting the said employees of the telephone if needed; and
- (g) for protecting the vital interests of the employees.

3.1.3 PBL's legal basis for processing your personal data:

- (a) for the preparation, execution and/or performance of a contract to which the employee is privy;
- (b) for compliance with legal obligations incumbent upon PBL; and
- (c) for protection of the vital interests of the employees.

3.1.4 Also, PBL's vehicles may be fitted with GPS facilities and PBL's premises may be equipped with CCTV systems. Such measures are not intended to be intrusive as PBL's aim is merely to provide additional security to users of its vehicles and premises. Furthermore, such measures are necessary for the

prevention and detection of unlawful acts and doings thereby protecting the vital interests of PBL's employees and the legitimate interests of PBL.

- 3.1.5 In any event, PBL is committed to ensuring that the information it collects and use is appropriate for the purpose for which it was collected, and does not constitute an invasion of its employees' privacy.
- 3.1.6 PBL's aim is not to be intrusive, and PBL undertakes not to ask irrelevant or unnecessary questions. Moreover, the personal information collected from the said employees will be subject to rigorous measures and procedures to minimize the risk of unauthorized access or disclosure.

3.2 Consent

- 3.2.1 PBL will ask and obtain explicit written consent from its employees for PBL to process any special categories of personal data on its employees.
- 3.2.2 Special categories of personal data is information about racial origin, ethnic origin, political opinion, religious belief, philosophical belief, trade union membership, genetic data, biometric data, health data, criminal record, data concerning sex life and/or sexual orientation.
- 3.2.3 Where asking special categories of personal data from its employees, PBL will always tell them why and how the information will be used.
- 3.2.4 When employees of PBL have been requested to and do submit written explicit consent, the said employees will be informed that they have the right to withdraw their consent at any time by informing PBL and/or PBL's Data Protection Officer in writing of their wishes to withdraw their consent without having to assign any reason for their decisions.
- 3.2.5 PBL may exceptionally process special categories personal data of its employees without the explicit written consent of the said employees if such processing is required by law (for example under the provisions of the Certificate of Character Act), for the protection of the vital interests of the said employees, for compliance with a Court order, for enquiries conducted by the police and/or the Independent Commission Against Corruption, for the provision of medical insurance benefits to the said employees in compliance with the terms and conditions of the contracts of employment of the said employees, for determining whether the said employees are medically fit for the discharge of their obligations under their contracts of employment with PBL, for protecting the legitimate interests of PBL should the latter need to defend civil claims including but not limited to complaints instituted under the Equal Opportunities Act or where the information is already in the public domain.

3.3 Disclosure and transfer

- 3.3.1 PBL may pass on personal data of its employees to third-party service providers contracted to PBL for specific purposes. Any third parties, with

whom PBL may share personal data of its employees, are obliged to keep the same securely, and to use them only to fulfil the service they provide to PBL. When they no longer need the said data to fulfil this service, they will dispose of the details in line with PBL's procedures.

3.3.2 PBL will not pass on the personal data of its employees to third parties unless such disclosure is necessary for the processing activities of PBL in furtherance of a contractual relationship to which PBL's employees are privy.

3.3.3 PBL will not transfer the personal data of its employees to a different country without having carried out an adequacy test as explained in PBL's General Data Protection Policy and informed the employees concerned about the adequacy of protection afforded to the personal data in that country.

3.4 **Report of Breach**

Whenever PBL is on notice that a breach of personal data has been committed or reasonably suspects that a breach of personal data is likely to be committed, PBL shall as soon as reasonably practicable inform the relevant supervisory authority about the same. The employee or employees concerned shall also be informed about the same especially where such a breach is likely to impact on the rights and freedoms of the said employees.

3.5 **Retention Period**

3.5.1 Subject to paragraph 3.5.2 below, PBL will process and store the personal data of its employees for no longer that is required for the purpose for which it is initially collected.

3.5.2 Notwithstanding paragraph 3.5.1 above, PBL may store the personal data of its employees for such period as may be necessary for PBL's compliance with legal obligations (e.g. Employment Rights Act) and for PBL's legitimate interests such as the defense by PBL of legal claims that may be brought against it.

3.6 **Rights of employees**

At any point while PBL is in possession of or processing the personal data of its employees, the latter shall have the following rights:

- Right of access – an employee has the right to request a copy of the information that PBL holds about him or her.
- Right of rectification – an employee has the right to correct data that PBL holds about him or her that is inaccurate or incomplete.
- Right to be forgotten – in certain circumstances an employee can ask for the data PBL holds about him or her to be erased from its records save and except if the

retention of the data is necessary by law (e.g. retention for 7 years as per the Employment Rights Act) and/or necessary for the legitimate interests of PBL (e.g. retention of 10 years in order to defend possible civil claims that can be brought within the civil prescription time-line).

- Right to restriction of processing – where certain conditions apply; an employee has a right to restrict the processing.
- Right of portability – an employee has the right to have the data PBL holds about him or her transferred to another organisation.
- Right to object – an employee has the right to object to certain types of processing.
- Right to object to automated processing – an employee also has the right not to be subject to the legal effects of automated processing.
- Right to judicial review: in the event that PBL refuses to accede to a request under rights of access, PBL will provide a reason as to why. In such as case, the employee has the right to complain as outlined in clause 3.7 below.

3.7 Complaints

3.7.1 In the event that an employee wishes to make a complaint about how his or her personal data is being processed by PBL, or how his or her requests under clause 3.6 above have been handled, the employee has the right to lodge a complaint directly with the relevant supervisory authority and PBL's Data Protection Officer.

3.7.2 The supervisory authority in Mauritius is the Data Commissioner of the Mauritius Data Protection Office whose contact details are as follows:

Postal address: Data Protection Office
5th Floor, SICOM Tower
Wall Street, Ebène

Telephone number(s): 460 0253

Email address: dpo@govmu.org

3.8 What does PBL hold about its employees?

3.8.1 At any point in time, PBL's employees can find out the personal data that the PBL holds about them.

3.8.2 Upon a written request being received from an employee, PBL can confirm what information it holds about that employee and how it is processed.

3.8.3 Where PBL holds personal data about an employee, the latter can request the following information from PBL:

- Identity and the contact details of the person or organisation that has determined how and why to process that data.
- The purpose of the processing as well as the legal basis for processing.
- If the processing is based on the legitimate interests of PBL or a third party, information about those interests.
- The categories of personal data collected, stored and processed.
- Recipient(s) or categories of recipients that the data is/will be disclosed to.
- If PBL intends to transfer the personal data to a third country or international organisation, information about how PBL ensures this is done securely. PBL will ensure there are specific measures in place to secure the data by carrying out an adequacy test as explained in PBL's General Data Protection Policy.
- How long the data will be stored.
- Details of about rights to correct, erase, restrict or object to such processing.
- Information about the right to withdraw consent at any time.
- How to lodge a complaint with the relevant supervisory authority.
- Whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the employee is obliged to provide the personal data and the possible consequences of failing to provide such data.
- The source of personal data if it wasn't collected directly from the employee.
- Any details and information of automated decision making, such as profiling, and any meaningful information about the logic involved, as well as the significance and expected consequences of such processing.

3.8.4 When making a written request to PBL pursuant to this clause 3.8, the employee will need to provide to PBL an appropriate form of ID in order to access to the information set out at paragraph 3.8.3 above. An appropriate form of ID is either a National Identity Card or a passport (provided the same has not expired).

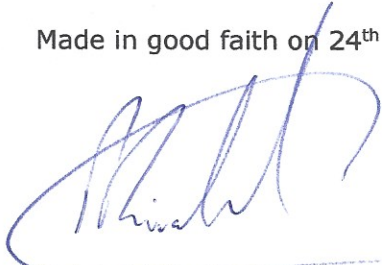
Ownership and Authorisation

PBL is the owner of this document.

This document may, from time to time, be reviewed in line with any changes in the PBL's General Data Protection Policy and the law.

This Employment (Privacy) Notice been duly approved by order of the Management of PBL on 24th April 2019.

Made in good faith on 24th April, 2019 at Pont Fer, Phoenix, Republic of Mauritius.



Patrick Rivalland
Chief Finance Officer/Chief Operations Officer
Phoenix Beverages Ltd