

LIXIL

Link to Good Living

**CROSS BORDER/
INTERNATIONAL
TRANSFER OF
PERSONAL DATA**



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1 INTRODUCTION AND PURPOSE

1.1 LIXIL AFRICA (PTY) LTD uses personal information in different ways in its day-to-day normal business operations. This includes procedures for the transferring of personal data to a foreign country or to organisations operating internationally. Section 72 of the POPI Act needs to be complied with.

1.2“binding corporate rules” means personal information processing policies, within a group of undertakings, which are adhered to by a responsible party or operator within that group of undertakings when transferring personal information to a responsible party or operator within that same group of undertakings in a foreign country.

1.3“group of undertakings” means a controlling undertaking and its controlled undertakings.

1.4 Reference Documents

- Data Privacy Policy
- Data Request Procedure
- Data Protection Impact/Risk Assessment
- Records Retention and Protection Policy

2 SECTIONS OF THE POPI ACT ADDRESSED

The Sections addressed of the POPI ACT by this document is, section:

72. Transfers of personal information outside the Republic.

3 PROCEDURE FOR CROSS BORDER/INTERNATIONAL TRANSFER OF PERSONAL DATA

LIXIL AFRICA (PTY) LTD complies with the principles and provisions of the POPI Act as more fully described herein by:

1. Obtaining required consent from employees, customers, suppliers and operators
2. Ensuring Compliance with Sec 72 (1) b-e as set out in 4 below.
3. For countries where none of the above is available and there is no adequacy provision

LIXIL AFRICA (PTY) LTD shall consider the standard contracting clauses, consents, interests of the data subject and interests of the public.

4 PERSONAL DATA CONDITIONS OF TRANSFER

Other acceptable conditions for transfers of personal data

A responsible party in the Republic may not transfer personal information about a data subject to a third party who is in a foreign country unless—

- (a) the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that—
 - (i) effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and
 - (ii) includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country.
- (b) the data subject consents to the transfer.
- (c) the transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request.
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; or
- (e) the transfer is for the benefit of the data subject, and—
 - (i) it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - (ii) if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.



Seneca Lutchmana
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13 June 2023

Date