

PRIVACY POLICY

LEAL AND CO LTD.

FOR THE PROMOTION OF DATA PROTECTION BY DESIGN AND BY DEFAULT

IN COMPLIANCE WITH THE TERMS OF THE GENERAL DATA PROTECTION REGULATION (GDPR) AND THE MAURITIUS DATA PROTECTION ACT 2017 (MDPA)

Organisation

LEAL AND CO LTD. (LEAL)

Scope of policy

For the purposes of Article 37 of the GDPR, 'a group of undertakings may appoint a single data protection officer provided that a data protection officer is easily accessible from and by each establishment'. Therefore, for the purposes of this policy, the following entities have appointed a single data protection contact to address their GDPR/MDPA alignment efforts:

LEAL AND CO LTD. (LEAL)
PHARMACIE NOUVELLE LTD. (PNL)
LEAL EQUIPEMENTS CIE LTEE. (LEC)
LEAL ENERGIE LTD. (LE)
UNITED MOTORS LTD. (UML)
DISTRIPC LTD. (ELYTIS)
LEAL AGENCY LTD. (LACY)
LEAL COMMUNICATIONS AND INFORMATICS LTD. (LCI)
BEST FIT LTD.(BFIT)

LEAL AND CO LTD. (LEAL) or the 'company', as an independent entity hereby undertakes to comply with the conditions set by the GDPR, the MDPA and all other legislation that is relevant with to the jurisdictions in which it operates.

The 'single data protection contact' per Article 37 of the GDPR acts as the Group Data Protection Officer.

Policy operational date	15/11/2018
Policy prepared by	GROUP DATA PROTECTION OFFICER
Date approved	15/11/2018
Approved by	CEO
Next policy review date	One year as from the date of approval
Annexed to this Policy	ANNEX (I)- Contacts of the Group Data Protection Officer ANNEX (II) - Accountability Principles for the Processing of Personal Data
Purpose of policy	<p>(LEAL) and all entities acting upon the instructions of the company are dedicated to upholding and promoting the rights of all data subjects including customers, clients, staff members and the general public who have entrusted the company with their personal data.</p> <p>The purpose of this policy is to enable (LEAL) to:</p> <ul style="list-style-type: none"> • Protect the rights of all individuals who provide their personal data • Communicate clearly the Company’s position with regard to GDPR and the MDPA to our customers, clients, staff members and all other stakeholders that may provide their personal data • Ensure continuous compliance with GDPR and the MDPA with respect to our systems and processes • Encourage good practice across all sectors of the company and promote GDPR by design and by default

This policy covers all aspects of the GDPR and the MDPA and explicitly covers a number of key provisions within both legal instruments. This does not exclude the need for compliance to other Articles of the GDPR or the MDPA not specifically mentioned.

It is an umbrella policy which may have other related policies referred to which must also be consulted.

Personal data

This policy applies to (personal data) relating to identifiable individuals, in terms of the GDPR and the MDPA.

Definitions

All terms used in this policy are as referenced from the in the GDPR and the MDPA.

Policy statement

This Policy seeks to promote compliance across all sectors of the company in line with the GDPR and MDPA. The MDPA, (took effect on the 15th January 2018), has been aligned with the GDPR (took effect on the 25th May 2018). As such, key provisions within the GDPR and MDPA will overlap throughout this Policy.

With the approval and incorporation of this Policy, the company, (LEAL), commits to upholding the personal data of all data subjects in line with the accountability principles set in Annex (II) and covets to take all necessary, proportionate and legal measures to ensure that all personal data entrusted to the company is kept safe within the groups data protection systems and processes, which must be aligned with the requirements set by the General Data Protection Regulations (GDPR) and the Mauritius Data Protection Act 2017 (MDPA).

In accordance with this Policy, (LEAL) covets to:

- At all times uphold the fundamental rights of the data subject as illustrated in the GDPR and MDPA at the heart of our processes when handling personal data.

- Will remain transparent and honest as to the use of personal data and will ensure to
- Provide training and support for all staff who handle personal data, so that they can act confidently and consistently process data in line with our obligations towards our stakeholders.

(LEAL) recognises that its first priority under the GDPR and the MDPA is to avoid causing harm to individuals with regard to their personal data. In the main this means:

- Providing adequate systems and processes that keep personal data securely in the right hands
- Ensuring that all personal data held by (LEAL) is accurate and updated

Secondly, the GDPR and MDPA aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, (LEAL) will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.

(LEAL) AS A CONTROLLER POLICY COMMITMENT

PRINCIPLES

1	<p>PRINCIPLES RELATING TO THE PROCESSING OF PERSONAL DATA</p>	<p>(LEAL) will adhere to the six principles of processing of personal data as covered in Article 5 of the GDPR and Article 21 of the MDPA.</p> <p>This policy commitment will be supported by implementing controls which evaluate the extent to which these principles are respected for personal data processing where (LEAL) is the data Controller.</p>
	<p>Article 5 of the GDPR</p> <p>Article 21 of the MDPA</p>	
2	<p>LAWFULNESS</p> <p>Article 6 of the GDPR</p> <p>Article 23 of the MDPA</p>	<p>(LEAL) will ensure that at least one of the six conditions under Article 6 of the GDPR for lawful processing are met for personal data processing where (LEAL) is the data Controller.</p> <p>These six conditions are reflected in the MDPA within article 23. (LEAL) shall ensure to comply with all conditions set under the GDPR and MDPA with regard to the lawfulness of the collection of personal data.</p> <p>This policy commitment will be supported by implementing controls which evaluate the extent to which these lawfulness requirements are respected for personal data processing where (LEAL) is the data Controller.</p>
3	<p>CONSENT</p> <p>Article 7 of the GDPR</p> <p>Article 24 of the MDPA</p>	<p>(LEAL) will ensure that the conditions for consent are satisfied where applicable for personal data processing where (LEAL) is the data Controller.</p> <p>(LEAL) will ensure that the conditions for consent are met in all areas where consent is required for the processing of personal data.</p>
4	<p>CHILDREN</p> <p>Article 8 of the GDPR</p>	<p>(LEAL) does not normally process the personal data of children (below the age of 16), but where such processing takes place steps will be taken to comply with Article 8 of the GDPR</p> <p>Consent of the Parent or Guardian of a child must be obtained before processing personal data.</p>

Article 30 of the MDPA	<p>Where personal data of children is processed, such as for dependents of employees, this policy commitment will be supported by implementing controls which evaluate the extent to which these Article 8 requirements are respected for the processing of personal data of children where (LEAL) is the data Controller.</p> <p>Where the personal data of a child (below the age of 16) is being processed, (LEAL) will apply Article 30 of the MDPA to take reasonable efforts to verify that consent has been authorised, taking into account available technology.</p>
<p>5 PROCESSING OF SPECIAL CATEGORIES OF PERSONAL DATA</p> <p>Article 9 of the GDPR</p> <p>Article 29 and 34 of the MDPA</p>	<p>(LEAL) will ensure that the conditions for processing of special categories of personal data are satisfied where applicable where (LEAL) is the data Controller.</p> <p>This policy commitment will be supported by implementing controls which evaluate the extent to which personal data processing of special categories of personal data is expected where (LEAL) is the data Controller. This includes the use of a Data Protection Impact Assessment (DPIA) for high risk processing.</p>
<p>6 PROCESSING OF PERSONAL DATA RELATING TO CRIMINAL CONVICTIONS AND OFFENCES</p> <p>Article 10 of the GDPR</p> <p>Article 29 of the MDPA</p>	<p>(LEAL) does not normally process relating to criminal convictions and offences, but where such processing takes place steps will be taken to comply with Article 10 of the GDPR.</p> <p>For the purposes of the MDPA, criminal convictions will be qualified under Article 29 and will be processed in accordance with Article 29(2) of the MDPA.</p> <p>Where personal data relating to criminal convictions and offences is processed, such as for screening of employees, this policy commitment will be supported by implementing controls which evaluate the extent to which these Article 10 requirements are respected where (LEAL) is the data Controller.</p>

RIGHTS OF THE DATA SUBJECT

7	TRANSPARENT INFORMATION, COMMUNICATION AND MODALITIES FOR EXERCISING THE RIGHTS OF THE DATA SUBJECT Article 12 of the GDPR Articles 37, 38 and 39 of the MDPA	(LEAL) will ensure that information provided to data subjects, such as via a privacy notice, will be in a concise, transparent, intelligible and easily accessible form, using clear and plain language, where (LEAL) is the data Controller in accordance with Article 12 of the GDPR and Article 37 of the MDPA. This policy commitment will be supported by implementing controls which ensure compliance with Articles 13 and 14, and 15 to 22 of the GDPR and Articles 37, 38 and 39 of the MDPA in support of data subject rights where (LEAL) is the data Controller. This includes the use of fair processing procedures as described in the related documents.
8	INFORMATION TO BE PROVIDED WHERE PERSONAL DATA ARE COLLECTED FROM THE DATA SUBJECT Article 13 of the GDPR	(LEAL) will ensure that all the information required under paragraph 1 (basic) and paragraph 2 (further) to be provided to data subjects will be available, such as via a privacy notice, will be available at the time the data is obtained where (LEAL) is the data Controller. This policy commitment is further aligned with Article 37 of the MDPA which will be supported by implementing controls which ensure compliance with Articles 13 of the GDPR.

Article 37 of the
MDPA

10	RIGHT OF ACCESS BY THE DATA SUBJECT	(LEAL) will ensure that the right of access by the data subject will be respected in accordance with Article 15 of the GDPR and Article 37 of the MDPA where applicable.
	Article 15 of the GDPR	(LEAL) shall, upon written request of a data subject, provide, at reasonable intervals, without excessive delay and free of charge confirmation as to whether the personal data relating to the data subject is being processed and forward a copy per request.
	Article 37 of the MDPA	(LEAL) may, where there is reasonable doubt concerning the identity of a data subject making a request for a copy of their personal data held by the company, request further information to confirm the identity of the person making the request.
		Related document: Data subject request procedure
11	RIGHT TO RECTIFICATION	(LEAL) will ensure that the right to rectification by the data subject will be respected.
	Article 16 of the GDPR	Upon request from the data subject, all personal data shall be declared for rectification without undue delay.
	Article 39 of the MDPA	This policy commitment will be supported by procedural measures to facilitate the submission of data subject requests for rectification, including monitoring that those requests are responded to within the limits allowed.
12	RIGHT TO ERASURE	(LEAL) will ensure that the right to erasure of personal data held on the data subject will be respected.
	Article 17 of the GDPR	(LEAL) also recognises its obligations to comply with other legislation, specific to the jurisdictions in which it operates, which require records are retained for specified periods. (LEAL) will therefore maintain a personal data retention plan for each of its operations.

Article 39 of the MDPA

(LEAL) therefore undertakes to balance the need to respect data subject requests with the need to retain records for legitimate purposes. Upon request from the data subject and depending on the purposes of the data processing, (LEAL) will erase the personal data of the data subject without undue delay.

Related document: Data subject request procedure

13 RIGHT TO RESTRICTION OF PROCESSING

Article 18 of the GDPR

Article 39 of the MDPA

(LEAL) will ensure that the right to restriction of processing will be respected in terms of the valid reasons which are covered under Article 18 of the GDPR and Article 39 of the MDPA.

This policy commitment will be supported by procedural measures to facilitate the restriction of processing, including monitoring that those requests are responded to within the limits allowed.

Related document: Data subject request procedure

14 RIGHT TO DATA PORTABILITY

Article 20 of the GDPR

(LEAL) will respect the right to data portability including the provision of data in a structured, commonly used and machine-readable format.

This policy commitment will be supported by procedural measures to facilitate appropriate data formats are provided and monitoring that those requests are processed within reasonable time limits.

Related document: Data subject request procedure

15 RIGHT TO OBJECT

Article 21 of the GDPR

Article 39 of the MDPA

(LEAL) will support the right to object to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1) of the GDPR.

The right to object will be subject to the purposes for which the data is processed.

Related document: Data subject request procedure

16	<p>AUTOMATED INDIVIDUAL DECISION-MAKING, INCLUDING PROFILING</p> <p>Article 22 of the GDPR</p>	<p>(LEAL) will ensure that wherever an automated decision making is conducted, such activities will be noted in the DPIA and that appropriate and proportional measures are taken to secure personal data.</p> <p>(LEAL) will ensure that its affected management and employees conducting DPIAs will receive awareness training on how to conduct DPIAs where (LEAL) is the data Controller.</p> <p>Related document: Data subject request procedure</p>
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CONTROLLER RESPONSIBILITIES

17	<p>RESPONSIBILITY OF THE CONTROLLER</p> <p>Article 24 of the GDPR</p>	<p>(LEAL) will fulfil all of its responsibilities as outlined in Article 24, including implementing policies such as this document and related policies. (LEAL) will also adhere to any applicable Code of Conduct.</p> <p>(LEAL) will implement appropriate technical and organisational measures (TOM's) to ensure and to be able to demonstrate that processing is performed in accordance with the GDPR and the MDPA. Those measures shall be reviewed and updated where necessary.</p>
18	<p>DATA PROTECTION BY DESIGN AND BY DEFAULT</p> <p>Article 25 of the GDPR</p>	<p>(LEAL) will implement appropriate technical and organisational measures (TOM's) to protect the rights of data subjects to support data protection by design and by default.</p> <p>(LEAL) will implement the use of an approved methodology for data protection by design and by default when implementing the outcomes of a DPIA or when undertaking changes to the design or function of processing of personal data.</p>
19	<p>JOINT CONTROLLERS</p>	

Article 26 of the
GDPR

(LEAL) will undertake a DPIA when a joint controller role is envisaged and act on the finding of the DPIA in accordance with Article 26.

In addition, where a joint controller is involved in the processing of personal data, (LEAL) shall take reasonable measures to assess the joint controller's obligation with the GDPR and national Data Protection Legislation where applicable and depending on the jurisdiction of operation.

20 REPRESENTATIVES
OF CONTROLLERS
OR PROCESSORS
NOT ESTABLISHED IN
THE UNION OR IN
MAURITIUS

Article 27 of the
GDPR

Article 36 of the
MDPA

(LEAL) is established in the Republic of Mauritius with operations in Reunion, a territory of an EU member state (France).

As such, (LEAL) has identified and appointed a representative for (LEAL) within the EU in line with the GDPR requirement for EU representation per Article 27 of the GDPR.

In addition, (LEAL) will ensure personal data being transferred outside of Mauritius is transferred in accordance with Article 36 of the MDPA.

(LEAL) will take reasonable measures to ensure that third party territories are aligned with obligations within the GDPR where applicable or their national Data Protection Legislation prior to permitting the processing of personal data.

21 PROCESSING UNDER
THE AUTHORITY OF
THE CONTROLLER
OR PROCESSOR

Article 29 of the
GDPR

(LEAL) will ensure that those acting under its authority, including employees and Processors will receive clear instructions on the processing of personal data.

(LEAL) may make use of Data Transfer Agreements where personal data is transferred to a processor, stipulating the terms and conditions to be adhered to during processing.

22 RECORDS OF
PROCESSING
ACTIVITIES

(LEAL) will ensure that an appropriate record of processing activities is kept and made available to relevant authorities as required.

	Article 30 of the GDPR	The record of processing will be maintained by the DPO and available from the office of the DPO.
23	COOPERATION WITH THE SUPERVISORY AUTHORITY Article 31 of the GDPR Article 14 of the MDPA	(LEAL) will co-operate at all times with the relevant Supervisory Authorities. This co-operation will be co-ordinated through the office of the DPO. (LEAL) shall be registered as a Data Controller and Processor and shall oblige to the requests of the Mauritius Data Protection Office.
24	SECURITY OF PROCESSING Article 32 of the GDPR Article 31 of the MDPA	(LEAL) will implement appropriate organisational and technical measures to ensure a level of security appropriate to the risk of processing of personal data. These measures will also prevent the unauthorised access to, alteration, disclosure, accidental loss and destruction of personal data. Appropriate measures will include conducting periodic risk assessments and implementing appropriate risk responses. Such assessments and responses will take into account appropriate international practices, including applicable code of conduct.
25	NOTIFICATION OF A PERSONAL DATA BREACH TO THE SUPERVISORY AUTHORITY Article 33 of the GDPR	(LEAL) will ensure that there are organisational measures to support notification of a personal data breach to the supervisory authority. The data breach process and procedures will be adequately documented and communicated. Related document: Data breach procedure

26	<p>NOTIFICATION OF A PERSONAL DATA BREACH TO THE DATA SUBJECT</p> <p>Article 34 of the GDPR</p> <p>Article 29 of the MDPA</p>	<p>(LEAL) will notify a data subject of a data breach within 72 hours after becoming aware of the breach.</p> <p>(LEAL) will ensure that there are organisational measures to support notification of a personal data breach to the data subject. The data breach process and procedures will be adequately documented and communicated.</p> <p>Related document: Data breach procedure</p>
27	<p>DATA PROTECTION IMPACT ASSESSMENT</p> <p>Article 35 of the GDPR</p> <p>Article 34 of the MDPA</p>	<p>(LEAL) will conduct a Data Protection Impact Assessment (DPIA) where the processing of personal data is likely to result in a high risk to the rights and freedoms of natural persons.</p> <p>(LEAL) will implement the use of an approved methodology for a DPIA.</p>
28	<p>PRIOR CONSULTATION</p> <p>Article 36 of the GDPR</p> <p>Article 35 of the MDPA</p>	<p>(LEAL) DPO will consult the supervisory authority prior to processing where a DPIA under Article 35 indicates that the processing would result in a high risk in the absence of measures taken by the Controller, (LEAL) to mitigate the risk.</p>

GROUP DATA PROTECTION OFFICER

29	DESIGNATION OF THE DATA PROTECTION OFFICER	(LEAL) will ensure that a Data Protection Officer (DPO) is appointed in line with the requirements set out in Article 37, Article 38, and Article 39 of the GDPR.
	Article 37 and Article 38 of the GDPR	The DPO will also function in the same capacity where (LEAL) is the data controller or data processor.

TRANSFERS OF PERSONAL DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

30	GENERAL PRINCIPLE FOR TRANSFERS Article 44 – 49 of the GDPR	(LEAL) will ensure that the general principle for transfers is respected. This will be achieved through the implementation of appropriate measures in line with Articles 45 to 49 of the GDPR and in accordance with Article 36 of the MDPA.
	Article 36 of the MDPA	
31	TRANSFERS ON THE BASIS OF AN ADEQUACY DECISION	(LEAL) will monitor the list of countries, sectors and international organisations where an adequacy decision has been made. Where appropriate (LEAL) will benefit from that decision.
		Where it is not clear as to the adequacy of data protection regulation in countries outside of the EU and Mauritius, (LEAL) shall make reasonable inquiry into the data protection systems in use by the Processor.

Article 45 and 46 of the GDPR

(LEAL) will incorporate appropriate contractual measures, including the use of standard data protection clauses to uphold the data subject's rights.

Article 36 of the MDPA

32 BINDING CORPORATE RULES

(LEAL) will ensure that Binding Corporate Rules (BCRs) are used to provide appropriate protection for international transfers where appropriate. Any such BCRs will be registered with the appropriate supervisory authority.

Article 47 of the GDPR

(LEAL) will seek legal advice to ensure that the appropriate BCRs are implemented.

33 TRANSFERS OR DISCLOSURES BEYOND THE SCOPE OF THE GDPR OR MAURITIAN DATA PROTECTION LAW

(LEAL) will ensure that transfers or disclosures not authorised by or beyond the scope of GDPR law or Mauritian data protection law will be handled appropriately.

(LEAL) will seek legal advice to ensure that the appropriate transfers are implemented.

Article 48 of the GDPR

(LEAL) AS A PROCESSOR POLICY COMMITMENT

RIGHTS OF THE DATA SUBJECT

1	<p>TRANSPARENT INFORMATION, COMMUNICATION AND MODALITIES FOR EXERCISING THE RIGHTS OF THE DATA SUBJECT</p> <p>Article 12 and 15 – 22 of the GDPR</p> <p>Articles 37 - 40 of the MDPA</p>	<p>(LEAL) will ensure that data subject requests for access to and management of data subjects’ personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of the GDPR and our obligations under the MDPA.</p> <p>Response to data subject requests will normally be under the terms of an agreement with the data Controller.</p> <p>This policy commitment will be supported by implementing controls which ensure compliance with Articles 15 to 22 of the GDPR and Articles 37 to 40 of the MDPA in support of data subject rights where (LEAL) is the data Processor.</p>
2	<p>RIGHT OF ACCESS BY THE DATA SUBJECT</p> <p>Article 15 of the GDPR</p> <p>Article 37 of the MDPA</p>	<p>(LEAL) will ensure that data subject requests for access to and management of data subjects’ personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of the GDPR and MDPA.</p>
3	<p>RIGHT TO RECTIFICATION</p> <p>Article 16 of the GDPR</p>	<p>(LEAL) will ensure that data subject requests for access to and management of data subjects’ personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of Article 16 of the GDPR and Article 39 of the MDPA. Response to such data subject requests will from normally be under the terms of an agreement with the data Controller (normally the customer of (LEAL))</p>

Article 39 of the MDPA

This policy commitment will be supported by implementing controls which ensure compliance with Articles 15 to 22 of the GDPR in support of data subject rights where (LEAL) is the data Processor. This includes the use of fair processing procedures as described in the related documents.

Related document: Data subject request procedure

4 RIGHT TO ERASURE

Article 17 of the GDPR

Article 39 of the MDPA

(LEAL) will ensure that data subject requests for access to and management of data subjects' personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements under Article 17 of the GDPR and Article 39 of the MDPA. Response to such data subject requests will typically be contained within the terms of an agreement with the data Controller.

Related document: Data subject request procedure

5 RIGHT TO RESTRICTION OF PROCESSING

Article 18 and Articles 15-22 of the GDPR

Article 39 of the MDPA

(LEAL) will ensure that data subject requests for access to and management of data subjects' personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of Article 18 the GDPR and Article 39 of the MDPA. Response to such data subject requests will from normally be under the terms of an agreement with the data Controller.

This policy commitment will be supported by implementing controls which ensure compliance with Articles 15 to 22 in support of data subject rights where (LEAL) is the data Processor. This includes the use of fair processing procedures as described in the related documents.

Related document: Data subject request procedure

6 NOTIFICATION OBLIGATION REGARDING RECTIFICATION OR ERASURE OF PERSONAL DATA OR RESTRICTION OF PROCESSING

(LEAL) will ensure that data subject requests for access to and management of data subjects' personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of Article 19 GDPR in particular and Article 37 of the MDPA. Response to such data subject requests will from normally be under the terms of an agreement with the data Controller.

Related document: Data subject request procedure

	Article 19 of the GDPR	
7	RIGHT TO DATA PORTABILITY Article 20 of the GDPR	(LEAL) will ensure that data subject requests for access to and management of data subjects' personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of Article 20 of the GDPR. Response to such data subject requests will from normally be under the terms of an agreement with the data Controller (normally the customer of (LEAL)). Related document: Data subject request procedure
8	RIGHT TO OBJECT Article 21 and Articles 15 – 22 of the GDPR Article 39 of the MDPA	(LEAL) will ensure that data subject requests for access to and management of data subjects' personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of Article 21 of the GDPR and Article 39 of the MDPA. Response to such data subject requests will from normally be under the terms of an agreement with the data Controller (normally the customer of (LEAL)). This policy commitment will be supported by implementing controls which ensure compliance with Articles 15 to 22 in support of data subject rights where (LEAL) is the data Processor. This includes the use of fair processing procedures as described in the related documents.
9	AUTOMATED INDIVIDUAL DECISION-MAKING, INCLUDING PROFILING Article 22 of the GDPR Article 38 of the MDPA	(LEAL) will ensure that data subject requests for access to and management of data subjects' personal data, where (LEAL) is the data Processor, will be handled in accordance with the requirements of the GDPR. Response to such data subject requests will typically be contained the terms of an agreement with the data Controller. In accordance with Article 38 of the MDPA, personal data processing by fully automated systems will only be conducted once consent has been obtained from the data subject or otherwise for contractual or legal reasons.

PROCESSOR RESPONSIBILITIES

10	PROCESSING UNDER THE AUTHORITY OF THE CONTROLLER OR PROCESSOR	(LEAL) will ensure that those acting under its authority, including employees and sub-processors will receive clear instructions on the processing of personal data. In its role as a Processor, (LEAL) will only act on the instructions of the Controller. Related document: (controller to processor and processor to processor contract)
	Article 29 of the GDPR	
11	RECORDS OF PROCESSING ACTIVITIES	(LEAL) will ensure that an appropriate record of processing activities is kept and made available as required by Article 30 of the GDPR and Article 33 of the MDPA.
	Article 30 of the GDPR	The record of processing will be maintained by the DPO and available from the office of the DPO.
	Article 33 of the MDPA	Related document: Article 30 record of processing
12	COOPERATION WITH THE SUPERVISORY AUTHORITY	(LEAL) will co-operate at all times with the relevant Supervisory Authorities in all jurisdictions in which we operate. This co-operation will be co-ordinated through the office of the DPO.
	Article 31 of the GDPR	This includes, but may not be limited to, the Mauritius Data Protection Office (MDPO) under the leadership of the Commissioner and all other Supervisory Authorities that derive their powers from Article 51 of the GDPR or any other supervisory authority outside of Mauritius and the EU that is responsible for the implementation and enforcement of data protection law.

13	<p>SECURITY OF PROCESSING</p> <p>Article 32 of the GDPR</p> <p>Article 31 of the MDPA</p>	<p>(LEAL) will implement appropriate organisational and technical measures (TOM's) to ensure a level of security appropriate to the risk of processing of personal data in accordance with Article 32 of the GDPR and Article 31 of the MDPA.</p> <p>These measures includes conducting periodic risk assessments and implementing appropriate risk responses. Such assessments and responses will take into account appropriate international practices, including applicable code of conduct.</p> <p>Related document: IT security policy</p>
14	<p>NOTIFICATION OF A PERSONAL DATA BREACH TO THE SUPERVISORY AUTHORITY</p> <p>Article 33 of the GDPR</p> <p>Article 25 of the MDPA</p>	<p>(LEAL) will ensure that there are organisational measures to support notification of a personal data breach to the Customer (Controller) or other Processor who will in turn notify the supervisory authority. The data breach process and procedures will be adequately documented and communicated.</p> <p>Related document: Data breach procedure</p>
15	<p>COMMUNICATION OF A PERSONAL DATA BREACH TO THE DATA SUBJECT</p> <p>Article 34 of the GDPR</p> <p>Article 25 of the MDPA</p>	<p>(LEAL) will not normally communicate a personal data breach to the data subject as this is the responsibility of the Controller. However, where a contract requires (LEAL) to do so, this communication will take place in accordance with Article 34 of the GDPR and Article 25 of the MDPA.</p> <p>The data breach process and procedures will be adequately documented and communicated.</p> <p>Related document: Data breach procedure</p>

TRANSFERS OF PERSONAL DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

16	GENERAL PRINCIPLE FOR TRANSFERS Article 44 of the GDPR Article 36 of the MDPA	(LEAL) will ensure that the general principle for transfers is respected. This will be achieved through the implementation of appropriate measures in line with Articles 45 to 49 of the GDPR. Clauses and contracts governing the transfer of personal data outside of Mauritius and where applicable, shall align with Article 36 of the MDPA.
17	TRANSFERS ON THE BASIS OF AN ADEQUACY DECISION Article 45 of the GDPR Article 36 of the MDPA	(LEAL) will monitor the list of countries, sectors and international organisations where an adequacy decision has been made. Where appropriate (LEAL) will benefit from that decision. (LEAL) will incorporate appropriate contractual measures, including the use of standard data protection clauses to uphold the data subject's rights.

18	<p>TRANSFERS OR DISCLOSURES BEYOND THE SCOPE OF THE GDPR OR MAURITIAN DATA PROTECTION LAW</p> <p>Article 48 of the GDPR</p>	<p>(LEAL) will ensure that transfers or disclosures not authorised by or beyond the scope of the MDPA or GDPR law will be handled appropriately.</p> <p>(LEAL) will seek legal advice to ensure that the appropriate transfers are implemented.</p>
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ANNEX (I)

CONTACT OF THE GROUP DATA PROTECTION OFFICER

gdpo@leal.lealgroup.com

+230 207 2363

+230 525 104 52

Leal Communications and Informatics Building,
 Avenue Michael Leal,
 Pailles,
 Mauritius

ANNEX (II)
ACCOUNTABILITY PRINCIPLES FOR THE PROCESSING OF PERSONAL DATA

(LEAL) will abide by these accountability principles in the course of processing personal data and shall ensure that adequate systems and processes, including training is in place to create an environment where the processing of personal data is conducted in accordance with the fundamental rights of data subjects.

PRINCIPLE	APPLICATION
LAWFULNESS, FAIRNESS AND TRANSPARENCY	<p>This involves the processing of data in accordance with one of the following principles:</p> <p>1. ON THE BASIS OF CONSENT</p> <p>Where the data subject has provided express consent – we may process your data for the specific purpose for which you have submitted your data and for no other purposes, unless you have been consulted.</p> <p>2. FOR THE PURPOSE OF PERFORMING A CONTRACT</p> <p>(LEAL) may collect and process personal data per contract and for the purposes of performing the contract. Therefore, if personal data is held for contract purposes, (LEAL) may contact the data subject on occasion to request an update the personal data that has provided to ensure that contractual obligations can be fulfilled.</p>

3. FOR THE PURPOSE OF FULFILLING LEGAL OBLIGATIONS

(LEAL) may process personal data where there is a legal obligation to do so in which (LEAL) acting either as a Controller or Processor is subject to a legal obligation.

4. FOR THE PURPOSE OF PROTECTING VITAL INTERESTS

In the event that (LEAL) processes personal data in order to protect the vital interests of the data subject or those of another, it will ensure that the processing is absolutely necessary and complies with our legal obligations under GDPR and national law.

5. FOR THE PURPOSE OF CARRYING OUT A TASK IN THE PUBLIC INTEREST

(LEAL) may process personal data where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Group.

6. FOR THE PURPOSES OF PURSUING THE LEGITIMATE INTERESTS OF A CONTROLLER OR PROCESSOR

(LEAL) may process personal data where the processing is necessary for the purposes of the legitimate interests pursued by a controller or processor or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms, which require protection of personal data. Wherever a third party is involved in the processing of personal data, the data subject will be made aware before personal data is shared with the third party.

	<p>Once the named principles (above) have been satisfied, LEAL AND CO LTD will ensure that the data subject is aware of the processing, the purpose for which their data is being processed, who is processing their personal data.</p>
PURPOSE LIMITATION	<p>(LEAL) will only process personal data based on the conditions named above and will ensure that all personal data processed is processed solely for the purposes as communicated to the data subject. This will be for a limited purpose and will be expressly communicated.</p>
DATA MINIMISATION	<p>(LEAL) will only process the personal data that is absolutely necessary to conduct its business functions. In addition, all data stored will be kept to the minimum requirement for operational purposes.</p>
DATA ACCURACY	<p>LEAL AND CO LTD, will ensure that all personal data that is processed is kept accurately, in its latest and most updated form. The Group will provide data subjects with an opportunity at regular intervals to update their personal data, when personal data is held.</p>
STORAGE LIMITATION	

INTEGRITY AND
CONFIDENTIALITY

(LEAL) will ensure that personal data is stored for no longer than is necessary to conduct a business function or for record keeping per legal requirement. Data storage systems will ensure that 'dormant' personal data (such as the personal data held from a contract after the expiry or termination of a contract – kept for legal reasons such as in the event of a claim, etc.), is secure and encrypted and access is limited to key personnel.

(LEAL) will treat all personal data with the utmost regard. No personal data will be shared with third parties without providing notice and obtaining the consent of the data subject. Appropriate data security measures will be implemented to ensure that no unauthorised access to personal data is granted.