

IGCINE UKUBUYEKEZWA: 22 Juni 2021

Isenezelo Sokucutshungulwa Kwedatha

Lesi Senezelo Sokucutshungulwa Kwedatha (\("i-DPA"\)) yisenezelo Sesivumelwano se-The Lincoln Electric Company End-User License (\("EULA"\)) futhi sisebenza phakathi kwe-The Lincoln Electric Company (\("Umcubunguli Wedatha"\)) kanye nomshisekeli Ongumsebenzisi Ogunyaziwe we-EULA (\("Umlawuli Wedatha"\)), (ngamunye "\Iqembu\)", bese ndawonye "\Amaqembu\").

KUYILAPHO

I-EULA ilawula ilungelo Lomsebenzisi Ogunyaziwe ukusebenzisa Isicelo Esinelayisense futhi, njengoba kusebenza, namanye amasevisi aku-inthanethi anikezwa yi-The Lincoln Electric Company. Ngenhloso yokwanelisa izibopho zayo ngaphansi kwe-EULA, i-Lincoln Electric Company izosebenza Njengomcubunguli Wedatha egameni Lomsebenzisi Ogunyaziwe. Ukuze kuqinisekise ukuthobela imithetho Yedatha Yomuntu Siqu, Amaqembu avumile ukwengeza i-EULA ukuze asethe imigomo nemibandela esebenzayo Ekucutshungulweni Kwedatha Yomuntu Siqu Yisicubunguli Sedatha egameni Lomlawuli Wedatha.

KUVUNYELENWE UKUTHI

1. IZINCAZELO

1.1 Kule DPA, imigomo enosonhlamvukazi iyoba nezincazelo ezilandelayo, ngaphandle kwalapho kuchazwe ku-EULA noma lapho kudingeka ukuba kunikezwe umongo ngenye indlela:

| | |
|---|---|
| "Umlawuli Wedatha" | usho ibhizinisi elinquma izinhloso nezindlela Zokucutshungulwa Kwedatha Yomuntu Siqu; |
| "Umcubunguli Wedatha" | usho ibhizinisi elicubungula Idatha Yomuntu Siqu egameni Lomlawuli Wedatha; |
| "Umnikazi Wedatha" | usho umuntu okhonjiwe noma ongakhonjwa Odatha Yakhe ecutshungulwayo; |
| "Umyalo" | usho imiyalo enikezwa Ngumlawuli Wedatha Kumcubunguli Wedatha ukuze Acubungule Idatha Yomuntu Siqu ngokokuhlinzekwa kwamasevisi ahambisana ne-EULA; |
| "Idatha Yomuntu Siqu" | isho noma yiluphi ulwazi oluphathelene nomuntu okhonjwayo noma ongakhonjwa; umuntu okhombekayo yilowo ongakhonjwa, ngokuqondile noma ngokungaqondile, ikakhulukazi ngokubhekisele kusihlonzi esinjengegama, inombolo yokukhomba, idatha yendawo, isihlonzi esiku-inthanethi, noma into eyodwa noma ngaphezulu eqondene nomzimba wakhe, ukwakheka komzimba, okofuzo, kwengqondo, kwezomnotho, kwamasiko noma kwezenhlalo; |
| "Ukwepulwa Kwedatha Yomuntu Siqu" | kusho ukwepulwa kwezokuphepha okuholela encithakalweni ngengozi noma ngokungekho emthethweni, ukulahleka, ukuguqulwa, ukudalulwa okungagunyaziwe, noma ukufinyelela, ukudluliswa Kwedatha Yomuntu Siqu, egciniwe noma Ecutshungulwayo ngadlela thize; |
| "Cubungula"/"Ukucubungula"/"Kucutshunguliwe" | kusho noma yisiphi isenzo esenziwe Kwidatha Yomuntu Siqu njengokuqoqwa, ukurekhodwa, ukugcinwa, ukulungiswa noma ukuguqulwa, ukubuyisa, ukubonisana, ukusetshenziswa, ukudalulwa ngokudlulisa, ukusabalalisa, ukudlulisa noma ukwenza okunye kutholakale, ukuqondanisa noma inhlanganisela, ukuvinjelwa, ukususwa noma ukucothulwa; |
| "Amasevisi Okucubungula" | asho Ukucutshungulwa Kwedatha Yomuntu Siqu mayelana ne-EULA; |
| "Izigaba Ezikhethekile Zedatha Yomuntu Siqu" | zisho noma iyiphi Idatha Yomuntu Siqu eveza ubuhlanga noma ubuzwe, imibono yezepolitiki, izinkolelo zenkolo noma zefilosofi, noma ubulungu bezinyunyana, izinhlangano noma izisekelo, ukubukeka, izinkolelo zobugebengu nezinyathelo zokuphepha, imininingwane yezezimali nempahla, imininingwane yalapho ikhona, noma imininingwane yezikweletu kanye Nokucutshungulwa kwedatha yezofuzo, idatha ye-biometric ngenhloso yokuhlonza ngokuhlukile umuntu wemvelo, idatha |

ephathelene nezempilo noma idatha ephathelene nempilo yomuntu wobulili obungokwemvelo noma ukuthambekela kobulili obuthile noma imininingwane ephathelene nezingane ezineminyaka engu-14 noma ngaphansi;

“Izigaba Ezivamile Zenkontileka”

\zisho izigaba ezijwayelekile zenkontileka ezamukelwe Isinqumo Sekhomishini ye-EU 2010/87 sangomhla ka-5 Febhuwari 2010 ezigabeni ezivamile zenkontileka zokudluliswa kwedatha yomuntu siqu kubacubunguli abasungulwe emazweni wesithathu noma enye nanye isethi yezigaba ezivamile okuvunyelenwe ngazo phakathi Kwamalungu. Lapho Umlawuli Wedatha esungulwe endaweni engaphandle kwe-European Union, izinkomba zamazwe angamalungu kuzinhlinzeko eziqinile Zezigaba Ezivamile Zenkontileka zizothathwa njengezinkomba zamandla okulawula lapho Umlawuli Wedatha asungulwe khona;

“Umcubunguli Ongaphansi”

usho noma yikuphi ukucubungula okubandakanyeka Kumlawuli Wedatha (noma nganoma iyimuphi omunye Umcubunguli Ongaphansi Wedatha) ukuze acubungule Idatha Yomuntu Siqu esikhundleni Somlawuli Wedatha ngokwemiyalo yayo kanye nemibandela yenkontileka engaphansi ebhaliwe.

- 1.2 Amagama-ncazo nezihloko zesigaba ezisetshenziswe ngenhloso yesikhombo nokusebenziseka kalula kuphela, akuyona ingxenye yale DPA, futhi ngeke isetshenziselwe ukwakha le DPA.

2. UBUBANZI NESICELO SALE DPA

- 2.1 Le DPA yengeza kuphela izinhlinzeko ze-EULA ngokuqondene Namasevisi Wokucubungula anikezwe Ngumcubunguli Wedatha Kumlawuli Wedatha ngokulandela i-EULA.

3. UKUCUTSHUNGULWA KWEDATHA

- 3.1 Umcubunguli Wedatha uyavuma ukucubungula Idatha Yomuntu Siqu ngokwemigomo nemibandela ebekwe kule DPA, futhi ikakhulukazi Umcubunguli Wedatha wenza:

- 3.1.1 ukucubungula Idatha Yomuntu Siqu kuphela egameni Lomlawuli Wedatha futhi ngaso sonke isikhathi ngokuhambisana \Nemiyalo Yesilawuli Sedatha njengoba kuchaziwe kule DPA, nayo yonke imithetho esebenzayo yokuvikela imininingwane;
- 3.1.2 isiqiniseko sokuthi noma yibaphi abasebenzi abaphathiswe Amasevisi Okucubungula bazibophezele ekugcinweni okuyimfihlo noma babe ngaphansi kwesibopho esifanele semithetho yemfihlo;
- 3.1.3 ukuthatha izinyathelo zobuchwepheshe, zomzimba nezenhlangano ukuqinisekisa ukuphepha nokugcinwa kwemfihlo Yedatha Yomuntu Siqu kanye nokuvikelwa okufanele Kwedatha Yomuntu Siqu esetshenzisiwe egameni Lomlawuli Wedatha ekusetshenzisweni kabi nasekulahlekeni, njengoba kuhlinzekiwe Kusheduli 2 yale DPA;
- 3.1.4 ukuthi Umlawuli Wedatha uzokwazisa ngokushesha mayelana: (a) nanoma yisiphi isicelo esibophezela ngokomthetho sokudalulwa Kwedatha Yomuntu Siqu yisiphathimandla sikahulumeni ngaphandle kwalapho kunqatshelwe ngenye indlela, njengokuvinjelwa ngaphansi komthetho wobugebengu ukugcina imfihlo yokuphoqelelwa komthetho noma ukuphenywa kwezobunhloli, (b) noma yikuphi Ukwepulwa Kwedatha Yomuntu Siqukuphulwa okuthinta Idatha Yomuntu Siqu ecutshungulwa esikhundleni Somlawuli Wedatha, (c) noma yisiphi isicelo esitholwe ngokuqondile Kubanikazi Bedatha (kuhlanganise namalungelo okufinyelela, ukulungiswa, ukususwa, ukuphikiswa, ukuvinjelwa, ukudluliswa kwedatha, kanye nelungelo lokungabi ngaphansi kwesinqumo esincike kuphela Ekucubunguleni okuzenzakalelayo, okuhlanganisa nokuphrinta); Umcubunguli Wedatha (i) ngeke aphendule ngokuqondile kuleso sicelo, ngaphandle kokwazisa Umnikazi Wedatha ukuthi usebenza egameni Lomlawuli Wedatha futhi anikeze Umnikazi Wedatha imininingwane yokuxhumana Nomlawuli Wedatha, futhi (ii) acabangele uhlobo Lokucubungula, kuzosiza Umlawuli Wedatha ngezinyathelo ezifanele zobuchwepheshe, ngokomzimba \nangezinyathelo zenhlangano, ngokwazi ukuthi lokhu kungenzeka, ukuze kufezeke umbono wesibopho Somlawuli Wedatha \ekuphenduleni izicelo zokusebenzisa amalungelo Omnikazi Wedatha;

- 3.1.5 ukuhlinzeka ngokubambisana okuhle kwezentengiselwano Kumlawuli Wedatha ukusiza Umlawuli Wedatha ukuthi athobele izibopho zakhe zomthetho ezihlobene nokuphepha Kwedatha Yomuntu Siqu, njengokuthi: ukwaziswa Kokwepfulwa Kwedatha Yomuntu Siqu kuziphathimandla ezifanele eziphethe, ukuxhumana Ngokwepfulwa Kwedatha Yomuntu Siqu Kumnikazi Wedatha othintekile futhi, lapho kufanele, ukuqaliswa kokuhlolwa komthelela wokuvikelwa kwedatha nokubonisana kwangaphambili neziphathimandla eziphethe, kucatshangelwa uhlobo Lokucubungula nolwazi olutholakala Kumcubunguli Wedatha;
- 3.1.6 ukwenza ukuthi Umlawuli Wedatha athole yonke imininingwane edingekayo ukufakazela ukuhambisana nezibopho ezibekwe kule DPA futhi avumele futhi abambe iqhaza eku-odithweni, kuhlanganise nokuhlolwa, okwenziwa Ngumlawuli Wedatha noma omunye u-oditha onikwe amandla Ngumlawuli Wedatha njengoba kushiwo Esigabeni 6; kanye,
- 3.1.7 nokuthi noma yimaphi Amasevisi Okucubungula enziwa Umcubunguli Ongaphansi azokwenziwa ngokuya Kwesigaba 7.
- 3.2 Mayelana Namasevisi Okucubungula, Umlawuli Wedatha uzoba nesibopho sokuhambisana nazo zonke izimfuneko ezisebenza kuye ngaphansi komthetho osebenzayo ngokuqondene Nokucutshungulwa Kwedatha Yomuntu Siqu kanye Nemiyalo eyinikeza Umcubunguli Wedatha. Ikakhulukazi kodwa ngaphandle kokubandlulula kokujwayelekile kwalokhu okungenhla, Umlawuli Wedatha uyamukela futhi iyavuma ukuthi uzobophezeleka kokulandelayo: (i) ukunemba, ikhwalithi nokuba semthethweni Kwedatha Yomuntu Siqu; (ii) ukuhambisana nakho konke okudingeka obala kanye nezimfuneko zomthetho ngaphansi komthetho osebenzayo ekuqoqweni nasekusetshenzisweni Kwedatha yomuntu siqu, kuhlanganise nokuthola noma yikuphi ukuvuma okudingekile kanye nokugunyazwa okuvela Kubanikazi Bedatha noma ngenye indlela; (iii) ukuqinisekisa ukuthi Umlawuli Wedatha unelungelo lokudlulisa, noma ukunikeza ukufinyelela, Kwidatha Yomuntu Siqu Kumcubunguli Wedatha nokuthi Umlawuli Wedatha anikeze izaziso ezidingekayo futhi athole noma yiziphi izimvume ezidingekayo kanye/noma ukugunyazwa ngokuqondene nalokho kudluliswa noma ukufinyelela futhi, ngokuvame kakhulu, Ekucutshungulweni ngokuya ngemigomo ye-EULA (kuhlanganise nale DPA); kanye (iv) nokuqinisekisa ukuthi Imiyalo yayo iyahambisana nemithetho esebenzayo. Lapho isicelo sivela Kumcubunguli Wedatha, Umlawuli Wedatha uzonikeza Umcubunguli Wedatha kungakapheli izinsuku ezintathu (3) zebhizinisi ubufakazi obubhaliwe bezaziso ezinjalo, imvume kanye nokugunyazwa. Umlawuli Wedatha ngeke afake Kumasevisi Okucubungula, noma ngandlela thize anikeze Umcubunguli Wedatha, nganoma yiziphi izigaba ezikhethekile Zedatha Yomuntu Siqu, ngaphandle kwalapho uma kuvunyelwane ngokuhlukile ngokubhalwe Ngumlawuli Wedatha. Umlawuli Wedatha uzokwazisa Umcubunguli Wedatha, ngokushesha futhi ngaphandle kokubambezeleka okungenasidingo, uma Umlawuli Wedatha engakwazi ukuhambisana nezibopho zakhe ezibekwe kule DPA. Umsebenzisi Ogunyaziwe unesibopho sokubuyekeza Amasevisi Okucubungula, kuhlanganise nanoma yimaphi amadokhumenti nezici zokuphepha ezitholakalayo, ukunquma ukuthi ziyazanelisa yini izimfuneko \Zomsebenzisi Ogunyaziwe , izidingo zebhizinisi, kanye nezibopho zomthetho.
- 3.3 Umlawuli Wedatha ugunyaza Umcubunguli Wedatha ukuba enze ukuthi Idatha Yomuntu Siqu Ecubunguliwe isebenze ngegama le-EULA ukuze kutholakale imininingwane yezibalo ephathelene nokusetshenziswa Kohlelo Olunelayisense kanye nemikhiqizo nemishini ye-Lincoln. Ukusetshenziswa okuqhubekayo kwemininingwane yezibalo okuvela Kumcubunguli Wedatha akukho ngaphansi kokugunyazwa kwangaphambili okuvela Kumlawuli Wedatha.

4. UKUDLULISELWA KWEDATHA YAMAZWE NGAMAZWE

- 4.1 Umlawuli Wedatha ngalokhu uyamukela futhi uyavuma ukuthi, ngokuhlinzeka ngezinsizakalo Zokucubungula ngaphansi kwe-EULA, Umcubunguli Wedatha angadlulisa futhi agcine Idatha Yomuntu Siqu e-United States of America, nakwelinye izwe lapho Umcubunguli Wedatha akhona, ngenhloso yokuhlinzeka Ngamasevisi Okucubungula. Ngakho-ke, ngesikhathi sokuhlinzekwa Kwamasevisi Okucubungula, kungahle kudingeke ukuthi kudluliselwe Idatha Yomuntu Siqu Kumcubunguli Wedatha otholakala ngaphandle kwezwe lokusungulwa Komlawuli Wedatha. Uma Umlawuli Wedatha etholakala e-European Economic Area noma eSwitzerland, Amalungu azibophezela ukusebenzisa imibandela Yezigaba Ezivamile Zenkontileka yokudluliswa Kwedatha Yomuntu Siqu Ngumlawuli Wedatha (esebenza njengomthumeli wedatha Ngokwezigaba Ezivamile Zenkontileka) Umcubunguli Wedatha (osebenza njengomngenisu wedatha ngokulandela Izigaba Ezivamile Zenkontileka).

- 4.2 Uma Umlawuli Wedatha etholakala ngaphandle kwe-European Economic Area kanye naseSwitzerland, Amalungu asazozibophezela ukusebenzisa imibandela Yezigaba Ezivamile Zenkontileka yokudluliswa Kwedatha Yomuntu Siqu Ngumlawuli Wedatha (esebenza njengomthumeli wedatha Ngokwezigaba Ezivamile Zenkontileka) Umcubunguli Wedatha (osebenza njengomngenisi wedatha ngokulandela Izigaba Ezivamile Zenkontileka), uma nje Izigaba Ezivamile Zenkontileka zidingeka ngokomthetho futhi zanele ukuhlangabezana nezimfuneko zemithethonqubo yokuvikelwa kwedatha esebenzayo yokudluliswa Kwedatha Yomuntu Siqu Ngumlawuli Wedatha Kumcubunguli Wedatha ngokwe-EULA.
- 4.3 Uma Amaqembu esebenzisa Izigaba Ezivamile Zenkontileka ngokwezigaba 4.1 noma 4.2 zale DPA:
- 4.3.1 Isithasiselo 1 Sezigaba Ezivamile Zenkontileka sizosetshenziswa ngale ndlela elandelayo: (a) Umthumeli wedatha: Umlawuli Wedatha, (b) Umngenisi wedatha: Umcubunguli Wedatha, (c) Abanikazi bedatha: abasebenzi Bokulawula Idatha (Umsebenzisi Ogunyaziwe), (d) Izigaba zedatha: idatha ephathelene nokusetshenziswa kwemikhiqizo nemishini ephethwe, enelayisensi, noma ephethwe Ngumcubunguli Wedatha, njengoba ihlolwe Yisicelo Esinelayisense ngokwe-EULA, kuhlanganise nedatha yokubhalisa (okungukuthi, amagama abasebenzisi namaphasiwedi), (e) Izigaba Ezikhethekile Zedatha Yomuntu Siqu: N/A, kanye (f) Nemisebenzi yokucubungula: ukuqoqwa, ukukopishwa, ukudluliswa, ukugcinwa, ukuguqulwa, ukususwa kanye neminye imisebenzi edingekayo Yamasevisi Wokucubungula alandelwayo ngokwe-EULA.
- 4.3.2 Incazelo yezinyathelo zokuphepha kwezobuchwepheshe, zomzimba nezenhlangano ezisetsenziswe Ngumcubunguli Wedatha osebenza njengomngenisi wedatha ngenhloso Yesithasiselo 2 Sezigaba Ezivamile Zenkontileka kuzoba njengoba kunikezwe Kushejuli 2 yale DPA.
- 4.4 \\Uma Izigaba Ezivamile Zenkontileka zisebenza phakathi Kwamalungu ngokulandela Isigaba 4.1 noma 4.2, izinhlizeko zawo zizothathwa njengezihlanganisiwe ngokubhekisele kule DPA, ngaphandle kwalapho uma Izigaba Ezivamile Zenkontileka zisebenzisa njengombhalo ozimele ngokulandela Isigaba 4.5.
- 4.5 \\Ngokwezinga elidingekayo kwimithethonqubo yokuvikelwa kwedatha esebenzayo, Amaqembu azongena futhi asebenzise Izigaba Ezivamile Zenkontileka njengedokhumenti ehlukele.

5. UKUNQANYULWA

- 5.1 Le DPA izosebenza kusukela mhla kuqala ukusebenza i-EULA.
- 5.2 Le DPA izonqamuka ngokuzenzakalelayo ngesikhathi sokunqanyulwa noma sokuphelelwa yisikhathi (a) kwe-EULA noma (b) Kwezibopho \Zomcubunguli Wedatha ngokuqondene Namasevisi Okucubungula, futhi ukunqanyulwa okunjalo ngeke kudinge igunya lenkantolo noma ukuqhutshwa kwenkantolo noma esinye isenzo Somcubunguli Wedatha, Umlawuli Wedatha noma elinye iqembu ukuze isebenze. Lapho kusebenza khona, ekunqanyulweni kwale DPA, Umcubunguli Wedatha uzobuyela Kumlawuli \Wedatha noma asuse, ngesicelo Somlawuli Wedatha, yonke Idatha Yomuntu Siqu Yomlawuli Wedatha egcinwe kuye noma engaphansi kwakhe. Ngokwesicelo Somlawuli Wedatha, Umcubunguli Wedatha uzoqinisekisa ukuhambisana nalezi zibopho ngokubhala futhi asuse wonke amakhophi akhona, ngaphandle kwalapho uma umthetho osebenzayo udinga kugcinwe noma uvumela ukugcinwa Kwedatha Yomuntu Siqu.
- 5.3 Umlawuli Wedatha uzoba nelungelo lokunqamula le-DPA ngesaziso ngokubhalela Umcubunguli Wedatha uma Umcubunguli Wedatha ayephule ngokweqile noma ngokuqhubekayo le DPA, okuthi uma kwenzeka kwepulwa amandla okulungisa, okungeke kulungiswe phakathi nezinsuku ezingamashumi amathathu (30) zokusebenza kusukela ngosuku Umcubunguli Wedatha athole ngalo isaziso esivela Kumlawuli Wedatha esikhomba ukwepulwa futhi esidinga ikhambi laso.
- 5.4 Umcubunguli Wedatha uzoba nelungelo lokunqamula le-DPA ngesaziso ngokubhalela Umlawuli Wedatha uma Umcubunguli Wedatha ayephule ngokweqile noma ngokuqhubekayo le DPA, okuthi uma kwenzeka kwepulwa amandla okulungisa, okungeke kulungiswe phakathi nezinsuku ezingamashumi amathathu (30) zokusebenza kusukela ngosuku Umlawuli Wedatha athole ngalo isaziso esivela Kumcubunguli Wedatha esikhomba ukwepulwa futhi esidinga ikhambi laso.

6. AMA-ODITHI NEZICELO ZOLWAZI

- 6.1. Ngaphakathi komkhawulo woku-odithwa okukodwa (1) ngonyaka futhi ngokwesaziso Somlawuli Wedatha ngesaziso sangaphambi kwezinsuku ezingamashumi amathathu (30), ngaphandle kwalapho uma uku-odithwa kucelwe isiphathimandla esingamele, Umlawuli Wedatha \phakathi nesikhathi esivamile sebhizinisi \ amahora, ngaphandle kokuphazamisa ngokungafanele ukusebenza kwebhizinisi Lomcubunguli Wedatha , ngokomuntu siqu uku-oditha Umcubunguli Wedatha, noma uqoke u-oditha wesithathu obhekene nezibopho zobumfihlo zokwenza lokho ku-oditha.
- 6.2. Umcubunguli Wedatha uzobambisana uma ku-odithwa ngaphansi kwalesi Sigaba 6 futhi anikeze Umlawuli Wedatha yonke iminingwane edingekayo yokwenza lokho ku-oditha. Umlawuli Wedatha uzokhokha imali nezindleko ezitholwe yiqembu ngalinye ngokuqondene noku-oditha ngaphansi kwalesi Sigaba 6.

7. UKUQOKWA KWABACUBUNGULI ABANGAPHANSI

- 7.1. Umlawuli Wedatha ugunyaza Umcubunguli Wedatha ukuthi asebenzise amasevisi Wabacubunguli Abangaphansi abhalwe ekhasini elifinyeleleka ku-\(<https://www.lincolnelectric.com/en/Legal-Information/Subprocessors>), ngokuqondene nje nokusebenza Kwamasevisi axhumene ne-EULA.
- 7.2. Umlawuli Wedatha ugunyaza Umcubunguli Wedatha ukuthi isebenzise amasevisi Omcubunguli Ongaphansi omusha, ngokwesaziso sangaphambilini Kumlawuli Wedatha Ngomcubunguli Wedatha enesaziso sezinsuku eziyishumi nanhlanu (15) ngaphambi koshintsho Lomcubunguli Ongaphansi. Uma Umlawuli Wedatha ephikisa ushintsho Lomcubunguli Ongaphansi owazisiwe, Umlawuli Wedatha, phakathi naso sonke isikhathi sesaziso, angayinqamula le DPA ngokubhala. Uma Umlawuli Wedatha enganqamuli kungakapheli isikhathi sesaziso, lokhu kubeka ngokomthetho ngemvume Yomlawuli Wedatha oshintshweni elazisiwe Lomcubunguli Ongaphansi.
- 7.3. Kunoma ikuphi, lapho Umcubunguli Wedatha esebenzisa amasevisi Womcubunguli Ongaphansi wokugcina, ngenkontileka, ubophezelekile ukuhambisana nezibopho ezifanayo lapho Umcubunguli Wedatha eboshwe khona ngokwemigomo Yokucutshungulwa Kwedatha Yomuntu Siqu ngaphansi kwale DPA.

8. IZINHLINZEKO EZIHLUKAHLUKENE

- 8.1. Ukuchitshiyelwa noma ukwengezwa kule DPA kumele kwenziwe ngokubhala ukuze kusebenze. Ngaphandle kwalokhu okungenhla, Umcubunguli Wedatha, nganoma yisiphi isikhathi futhi ngaphandle kwesaziso Kumlawuli Wedatha, angachibiyela izinyathelo zobuchwepheshe, ezingokoqobo nezenhlangano ezibekwe Kushejuli 2, uma nje ukuchitshiyelwa okunjalo kungazithinti kakhulu ezokuphepha, imfihlo noma ubuqotho Bedatha Yomuntu Siqu.
- 8.2. \Izinkomba ezikule DPA “ngombhalo” noma “ezibhaliwe” zihlanganisa i-imeyili yezokuxhumana kanye ne-imeyili eqinisekisiwe.
- 8.3. Uma kwenzeka noma yikuphi ukuhlinzekwa kwale DPA kungasebenzi, lokhu ngeke kuthinte ubuqiniso bemigomo esele. Uma kwenzeka ukungasebenzi kwanoma yikuphi ukuhlinzekwa kwale DPA, Amalungu, nganoma iyiphi indlela, ezama, ngobuqotho, emiselela ukuhlinzekwa okungavumelekile ngokunye, okuphoqelelayo, okugunyaziwe nokusemthethweni, okuba namandla amakhulu ngokomthetho kulingana noma kulinganisene naleyo yokunikezwa kokuqala.
- 8.4. Le DPA ilawulwa wumthetho owengamele ofanayo newe-EULA.

ISHEJULI 1 - IZIPHATHIMANDLA ZEMIGOMO EQONDILE

Lapho Umlawuli Wedatha ezinze kwesinye seziphathimandla esisohlwini lwale Sheduli 1 imigomo elandelayo iyasetshenziswa ku-DPA, futhi leyo migomo iyothatha isikhundla futhi ilawule uma kwenzeka kuba nokungqubuzana nezinye izinhlinzeko ze-DPA. Yonke imigomo eku-EULA engashintshwanga yimigomo yeziphathimandla ezisebenzayo-ngokuqondile kule Sheduli ihlala ingashintshiwe futhi isebenza ngokugcwele.

E-Brazil

Amalungu ayamukela futhi ayavuma ukuthi lolu shintsho olulandelayo ku-DPA luzosebenza:

- a) Konke okwenzekayo “Kwezigaba Ezikhethekile Zedatha Yomuntu Siqu” ku-DPA kuzothathelwa indawo “Yidatha Ezwelayo Yomuntu Siqu”.

E-Mexico

Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-DPA zizosebenza:

- a) Konke okwenzekayo “Kwezigaba Ezikhethekile Zedatha Yomuntu Siqu” ku-DPA kuzothathelwa indawo “Yidatha Ezwelayo Yomuntu Siqu”;
- b) Ekusetshenzisweni Kwezigaba Ezivamile Zenkontileka, zonke izikhombo “zokudluliswa” kwedatha yomuntu siqu zizothathwa njengokukhishwa kwedatha yomuntu siqu ngokomthetho woMbuso waseMexico Wokuvikelwa Kwedatha Yomuntu Siqu egcinwe izinhlangano ezizimele (“*Ley Federal de Protección de Datos Personales en Posesión de los Particulares*”).

E-Russia

Ngaphezu kokuhlinzekwe yi-DPA, Amalungu enza okulandelayo:

- a) Umcubunguli Wedatha ngalokhu uqinisekisa ukuthi ukuqonda ngokugcwele ukuthi inhloso yemisebenzi Yokucutshungulwa Kwedatha Yomuntu Siqu ngokwe-DPA kungekokuhlinzeka Amasevisi Okucubungula kuphela futhi kuzocubungula Idatha Yomuntu Siqu kuphela ngokwenhloso lapho Idatha Yomuntu Siqu idalulwa khona kanye Nomlawuli Wedatha eyidinga kusukela Kumcubunguli Wedatha. Ngaphezu kwalokho, Umcubunguli Wedatha uzokuqinisekisa ngokushesha ngokubhala ukuthi lo mthetho uyalandelwa uma ucelwa Ngumlawuli Wedatha.
- b) Ngaphambi kokudalula Idatha Yomuntu Siqu edabuka kubantu base-Russia iye Kumcubunguli Wedatha, Umlawuli Wedatha kufanele iqinisekise ukuthi yonke Idatha Yomuntu Siqu iye yarekhodwa, yahlalwa, yaqoqwa, yagcinwa, yacaciswa (yavuselelwa, yaguqulwa), futhi yakhishwa kusetshenziswa imininingwane esifundeni soMbuso wase-Russia lapho Idatha Yomuntu Siqu iyoqwa nganoma iyiphi indlela, kuhlangukise nange-Intanethi.
- c) Uma Umlawuli Wedatha ethola ukucubungula okungekho emthethweni noma ukunganembi Kwedatha Yomuntu Siqu, Umlawuli Wedatha uzoyala Umcubunguli Wedatha ngokushesha ukuthi avimbe le Datha Yomuntu Siqu bese iqala ukuhlolwa. Idatha Yomuntu Siqu ethintekayo izovinjelwa sonke isikhathi sokuhlola. Uma ukuhlolwa kuqinisekisa ukunganembi Kwedatha Yomuntu Siqu, Umlawuli Wedatha uzocela Umnikazi Wedatha ofanele (omele yena) noma isiphathimandla sokuvikela idatha (uma sikhona) sezichibiyelo bese sikudlulisela Kumcubunguli Wedatha. Idatha Yomuntu Siqu enganembile izobuyekwezwa maduzane, futhi kungakapheli izinsuku eziyisikhombisa (7) zebhizinisi maduzane, kusukela ngosuku lapho izichibiyelo zilethwa Kumcubunguli Wedatha. Idatha Yomuntu Siqu izovulelwa ngokushesha lapho kuchitshiyelwa.
- d) Uma kutholakala ukuthi Idatha Yomuntu Siqu icutshungulwa ngokungekho emthethweni, Umlawuli Wedatha uzoyala Umcubunguli Wedatha ukuthi ayeke ukucubungula okungekho emthethweni ezinsukwini ezintathu (3) zebhizinisi kusukela ngosuku lokutholwa. Uma kubonakala kungenakwenzeka ukuqeda ukwepulwa komthetho futhi kuqinisekiswe ukuba semthethweni kokucutshungulwa Kwedatha Yakho, Umlawuli Wedatha uzoyala Umcubunguli Wedatha ukuthi achithe Idatha Yomuntu Siqu esetshenzwe ngokungemthetho zingakapheli izinsuku eziyishumi (10) zebhizinisi kusukela ngosuku lokutholwa. Umlawuli Wedatha uzophinde abophezeleke ukwazisa Umnikazi Wedatha ofanele (ummeleli wakhe) futhi, lapho kudingwa umthetho, isiphathimandla sokuvikela idatha mayelana nokususwa kokwepulwa komthetho.
- e) Uma Umnikazi Wedatha ebuyisa invume yakhe ekucutshungulweni Kwedatha Yomuntu Siqu, Umlawuli Wedatha uzokwazisa Umcubunguli Wedatha ngokushesha bese Umcubunguli Wedatha uzomisa ukucubungula futhi achithe Idatha Yomuntu Siqu yalo Mnikazi Wedatha zingakapheli izinsuku ezingamashumi amathathu (30) kusukela ngosuku lokwemukelwa Ngumlawuli Wedatha wesaziso sokukhansela.
- f) Uma kungenzeki ukuhambisana nezikhathi ezibekiwe Ezigabeni d) no-e) ezingenhla, Umcubunguli Wedatha uzovimba Idatha Yomuntu Siqu efanele ngokucela Umlawuli Wedatha okungenani izinyanga eziyisithupha (6) futhi

achithe le Datha Yomuntu Siqu phakathi nenkathi efanayo ngaphandle kwalapho uma umthetho osebenzayo ubeka okuhlukile.

ENingizimu Afrika\:

Amalungu ayamukela futhi ayavuma ukuthi lezi zinguquko ezilandelayo ku-DPA zizosebenza maqondana nezincazelo ezinikezwe esigabeni 1 se-DPA:

- a) "Umnikazi Wedatha" usho umuntu Odatha Yakhe ecutshungulwayo.
- b) "Idatha Yomuntu Siqu" isho imininingwane yomuntu siqu njengoba kuchaziwe ku-POPIA, kuhlangele nanoma yiluphi ulwazi oluphathelele nomuntu okhonzwayo noma okhombekayo.
- c) "I-POPIA" isho uMthetho 4 ka-2013 waseNingizimu Afrika Wokuvikelwa Kwedatha Yomuntu Siqu, kanye nanoma yimuphi umthethonqubo obophayo, umyalelo, isinqumo, ukuhleleka noma umhlahlandlela oshicilelwe ngaphansi kwe-POPIA.

E-United States\:

Ngaphezu kokuhlinzekwe yi-DPA, Amalungu enza okulandelayo:

- a) Ilungu ngalinye liyamukela futhi liyavuma ukuthi ukuqoqwa kanye nokudalulwa Kwedatha Yomuntu Siqu edluliselwe Kumasevisi Okucubungula (i) akusho, futhi akuyona inhloso yalelo nalelo ilungu ukwenza lo msebenzi, ukuthengiswa Kwedatha Yomuntu Siqu, futhi (ii) uma ukucatshangelwa okubalulekile, imali noma okunye, kunikezwa ngumsebenzisi ogunyaziwe Wokucubungula Idatha, ukucatshangelwa okubaluleke kangaka, imali noma okunye, kunikezwa ukusetshenziswa Kwamasevisi Okucubungula hhayi ukudalulwa Kwedatha Yomuntu Siqu. Umcubunguli Wedatha ngeke agcine, asebenzise, adalule, noma athengise Idatha Yomuntu Siqu nganoma iyiphi inhloso ngaphandle kwenhloso ethile yokwenza Amasevisi Okucubungula, noma njengoba kuvunyelwe ngandlela thize ngumthetho noma i-EULA. Ukuze kugwenywe ukungabaza, Umcubunguli Wedatha ngeke athengise Idatha Yomuntu Siqu noma agunyaze noma avumele noma yimuphi Umcubunguli Ongaphansi ukuthi naye enze okufanayo, ngaphandle kwalapho kuvunyelwa ngenye indlela yi-EULA noma umthetho osebenzayo.

Ishejuli 2 - Izinyathelo Zokuphepha ezenziwe Umcubunguli Wedatha**1. Ukulawulwa kokufinyelela ngokoqobo ezindaweni nasezikhungweni**

Umcubunguli Wedatha uzosebenzisa izinyathelo zobuchwepheshe nezenhlangano zokulawula ukungena ezindaweni nasezikhungweni, ikakhulukazi mayelana nokubheka ukugunyazwa kwesiqinisekiso sokujinjelwa kokufinyelela okungagunyaziwe.

Ikakhulukazi:

- Isistimu yokulawula ukungena
- Isifundi se-ID, ikhadi likazibuthe, ikhadi le-chip
- Izinkinga zokhiye
- Ukukhiya umnyango
- Abasebenza kwezokuphepha, onogada
- Izikhungo zokuqapha
- Uhlelo lwe-alamu, ividiyo/i-CCTV eqaphile

2. Amasistimu okulawula ukungena

Umcubunguli Wedatha uzosebenzisa ezobuchwepheshe (i-ID/iphasiwedi yokuphepha) nezinyathelo zenhlangano zokuhlonza umsebenzisi nokufakazela ubuqiniso ukuvimbela ukufinyelela okungagunyaziwe kumasistimu we-IT.

Ikakhulukazi:

- Izinqubo zephasiwedi (kuhlanganise nezinhlamvu ezikhethekile, ubude obuncane, ushintsho lwephasiwedi)
- Ukuvimba okuzenzakalelayo (isb. iphasiwedi noma ukuphelelwa yisikhathi)
- Ukubethela kwemidiya yedatha, kuhlanganisa okukhishwayo nokuphathekayo.

3. Ukulawulwa okunengqondo kokungena kudatha

Umcubunguli Wedatha uzoqinisekisa ukuthi okwenziwayo ezinhlweleni ze-IT ezingavikelwe ngamalungelo okufinyelela anikeziwe kuzovinjelwa ngokusebenzisa incazelo eqhutshwa yizidingo zohlelo lokugunyazwa kanye namalungelo okufinyelela, newokuqapha nokungena kokufinyelela.

Ikakhulukazi:

- Amalungelo wokungena asekelwe endimeni (amaphrofayela, izindima, intengiselwano nezinto)
- Ukusetshenziswa kwentengiselwano yesixazululo Sokuphathwa kwe-Akhawunti Yamalungelo ukwenza lula ukuqinisekiswa okuphephile kwama-akhawunti wokuphatha kumasistimu wokugcinwa noma ezinye izinjongo zokuphatha
- Imibiko ezenzakalelayo ebuyekezwayo futhi ilandelwe ngomsebenzi ongathandeki noma osolisayo
- Ukufinyelela, usebenzisa imodeli yelungelo elincane elikuvumela ukuba ungene kumasistimu kuphela kanye/noma idatha ngokusekelwe esidingweni sokwazi

4. Ukudalula Nokulawulwa Kokuvikelwa Kwedatha

Umcubunguli Wedatha uzolawula ukudalulwa Kwedatha Yomuntu Siqu ngokufaka izindlela zokuhambisa, ukudlulisa kanye nokuxhumana noma ukugcina idatha kumidiya yedatha (mathupha noma nge-elektroniki) kanye nokuhlola okulandelayo ngokudlulisa kwe-elektroniki, ukuthuthwa kwedatha nokulawulwa kokudlulisa.

Ikakhulukazi:

- Ukubethela/ukuvalela
- Isignesha ye-elektroniki
- Ukungena nokuqapha okuqhubekayo kwezenzakalo zokuphepha kanye nezixwayiso
- Ukuphepha kwezokuthutha kokubethela idatha ehanjiswa
- Ukubethelwa kwedatha engenzi lutho
- Ukuzungezisa njalo okhiye bokubethela
- Imikhawulo yokufinyelelwa kokhiye bokubethela kubantu abakhawulelwe
- Ubunkimbinkimbi bephasiwedi buvunyelwe, nokuqinisekisa kwe-two factor okudingekayo kuzo zonke izikhathi zokufinyelela uqhelile

5. Ukulawula kokufaka

Umcubunguli Wedatha uzogcina amadokhumenti aphelele okuphathwa kwedatha futhi ukugcinwa kwayo kufanele kube okuqhubekayo, kuhlangukane nezinyathelo zokubheka okulandelayo ukuthi idatha ifakiwe yini, ishintshiwe noma ikhishiwe (isusiwe) nokuthi ngubani:

Ikakhulukazi:

- Amasistimu okungena kanye nokubika

6. Ukulawula umsebenzi

Umcubunguli Wedatha Uzocubungula Idatha Yomuntu Siqu ngokwemiyalo Yomlawuli Wedatha futhi avumelane nezinyathelo (ezobuchwepheshe/zenhlangano) zokwehlukana izibopho phakathi Komlawuli Wedatha Nomcubunguli Wedatha: Ikakhulukazi:

- Amagama enkontileka angaqondakali
- Ukuthunyelwa ngokusemthethweni (ifomu lesicelo)
- Imigomo yokukhetha Umcubunguli Wedatha
- Ukuqapha ukusebenza kwenkontileka

7. Ulawulo lokutholakala

Umcubunguli Wedatha uzoqinisekisa ukuthi idatha izovikeleka ekuchithweni ngengozi noma ekulimaleni noma ekulahlekeni ngokuthatha izinyathelo zokuqinisekisa ukuphepha ngokoqobo nangokunengqondo kwedatha.

Ikakhulukazi:

- Izingubo zasenzolobaneni
- Ukufuzisela ama-hard disk, isb. Ubuchwepheshe be-RAID
- Ukunikezwa kwamandla okunganqamuki (UPS)
- Isitoreji esikude noma esizize ku-disk esiphindaphindekayo kwezinye izikhungo zedatha
- Isoftware elwa namagciwane kanye/noma i-anti-malware evuselelwa njalo nezinhlelo ze-firewall ezakhelwe ukusebenza nezitatimende zokuphika okuzenzakalelayo, evumela kuphela ithrafikhi evunyelwe ngokusobala ngezinjongo zebhizinisi
- Ukuqhubeka Kwebhizinisi kanye Nohlelo Lokutholwa Kwezinhlekelele

8. Ukulawula ukwahlukana

Ukucubungulwa Kwedatha kuzofuna ukuqinisekisa ukuthi idatha eqoqwe ngezinhloso ezahlukahlukene izocutshungulwa ngokwahlukana futhi ingahlangani nanye idatha yamakhasimende ngokusebenzisa izindlela ezithile zokuhlinzeka Ngokucubungula okuhlukile (ukugcinwa, ukuchibiyelwa, ukususwa, ukudluliswa) kwedatha ngezinhloso ezihlukile:

Ikakhulukazi:

- "Iklayenti langaphakathi" umfuziselo / ukulinganiselwa kokusetshenziswa
- Ukuhlukaniswa kwemisebenzi (ukukhiqiza/ukuhlola)