



# ALGOA BUS COMPANY (PTY) LTD

Reg. No. 1896/000148/07

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## 1. GENERAL INFORMATION

### 1.1 Purpose OF PAIA AND POPI MANUALS

#### PAIA

Section 51 of PAIA requires that the Company retains a PAIA Manual.

This Manual must include a description of:

- a. The Company's contact details and address<sup>1</sup>;
- b. The Company Information Officer <sup>2</sup>
- c. The legislation in terms of which the Company retains records and information <sup>3</sup>;
- d. The records retained by the Company<sup>4</sup>;
- e. The procedure that a requester of Company records should follow should they intend to request access to certain records retained by the Company<sup>5</sup>;
- f. The details of the South African Human Rights Commission<sup>6</sup>.

The Manual further requires that the description of records held by the Company must be described with sufficient detail to facilitate a request for access to the Company's records

#### POPI

Regulation 4 of the POPI Act Regulations also requires the Company to develop and retain this Manual<sup>7</sup>.

The Manual must guide the user as to the manner in which personal information can be lawfully processed, in accordance with the provisions of POPI.

As a private body which processes Personal Information, the Company is obligated to comply with principles set out in The Protection of Personal Information Act 4 of 2013 ("POPI".)

POPI requires the Company to inform its suppliers, service providers, applicants for employment and employees, both existing and new (data subjects) as to the manner in which their Personal Information is used, stored, disclosed and destroyed. The Company

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<sup>1</sup> Page 8

<sup>2</sup> Page 7

<sup>3</sup> Page 8

<sup>4</sup> Pages 8-10

<sup>5</sup> Pages 10-11, Forms A-D

<sup>6</sup> Page 7

<sup>7</sup> Page 14

will give effect to this requirement by ensuring that all data subjects are informed as to what Personal Information is recorded by the Company as also the purpose for which that information was obtained<sup>8</sup>.

It is not necessary to obtain that data subject's consent to process Personal Information where this information is necessary for the purpose of conclusion or performance of a contract; is required by operation of law; protects a legitimate interest of the data subject or is necessary for pursuing the legitimate interest of the Company or a third party to whom the Company supplies the personal information.

The Company is committed to protecting the privacy of its data subjects and ensuring that their Personal Information is used appropriately, transparently, securely and in accordance with applicable laws.

The POPI Manual sets out the manner in which the Company deals with their data subjects Personal Information and stipulates the purpose for which this information is used.

## **1.2 DUTY OF INFORMATION OFFICER**

Both POPI and PAIA require the Company to register the head of the Company as the Information Officer.<sup>9</sup>

The duties of the Information Officer are as follows:

- Encouraging compliance with the eight lawful conditions for processing of personal information; (discussed further below)
- Dealing with requests for access to records held by the Company<sup>10</sup>;
- Working with the Information Regulator in relation to any investigations conducted in terms of POPI;
- Ensuring POPI compliance;
- Ensuring that a POPI compliance framework is developed, implemented, monitored and maintained<sup>11</sup>;

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<sup>8</sup> 1A -1C and Form 5

<sup>9</sup> Form A1

<sup>10</sup> Form A

<sup>11</sup> Page 14, Form 2 Impact Assessment Matrix

- Ensuring that a personal information impact assessment is performed to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information<sup>12</sup>;
- Ensuring that internal measures are developed together with adequate systems to process requests for access to records;
- Ensuring that internal awareness sessions are conducted regarding the provisions of the Act, Regulations made in terms of the Act, Codes of Conduct, or information obtained from the Regulator.

POPI makes provision for the delegation of these duties to one or more Deputy Information Officers provided that this delegation is completed in writing.<sup>13</sup>

The Deputy Information Officers acquire the same duties and responsibilities as the Information Officer and should ensure and encourage compliance with the eight conditions for the lawful processing of personal information.

### **1.3 EIGHT CONDITION FOR LAWFUL PROCESSING OF PERSONAL INFORMATION (The Conditions)**

The Company must ensure that all personal information is processed in accordance with the eight conditions for the lawful processing of personal information. These conditions are as follows:

#### Condition One: *Accountability*

The Company must take steps to ensure that the conditions are complied with and effect is given to these conditions when it processes personal information.

#### Condition Two: *Processing Limitation*

The Company must ensure that the personal information is lawfully processed and in a manner that is adequate, relevant and not excessive.<sup>14</sup>

#### Condition Three: *Purpose Specification*

Personal Information must be collected and processed for a specific purpose and not processed beyond that purpose.<sup>15</sup>

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<sup>12</sup> Form 2

<sup>13</sup> Form A2

<sup>14</sup> Page 15 para 2, page 16 para 3.1

<sup>15</sup> Page 17 para 3.4.2, Page 18 Para 4, Company Policy on the Retention of Documents at pages 23-30

Condition Four: *Further Processing Limitations*

Personal Information should not be processed by the Company any further than the purpose for which that personal information was collected.<sup>16</sup>

Condition Five: *Information Quality*

The Company must take steps to ensure that the personal information collected is complete, accurate, not misleading and updated where necessary.<sup>17</sup>

Condition Six: *Openness*

The Company must take steps to ensure that all employees, clients, customers, suppliers and service providers are made aware of the personal information collected from them, the purpose of that information and that the information may be transferred outside of the borders of South Africa as also that they may object to the processing of their personal information.<sup>18</sup>

Condition Seven: *Security Safeguards*

The Company must ensure the security, integrity and confidentiality of the personal information processed and take measures to prevent any loss, damage or unauthorised access to the personal information.<sup>19</sup>

Condition Eight: *Data Subject Participation*

All employees, clients, customers, suppliers and service providers of the Company have the right to request the Company to confirm the personal information processed by the Company pertaining to that specific person/entity.<sup>20</sup>

That person/entity may request the Company to correct or amend any personal information processed by the Company.<sup>21</sup>

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<sup>16</sup> Page 18, para 3.3 and 3.4

<sup>17</sup> Page 15, para 2.4, Form 3

<sup>18</sup> Page 19, para 6, page 21, para 9, Forms 1A – 1C, Form 2, Form 6

<sup>19</sup> Page 19, para 6, Form 4

<sup>20</sup> Page 20, para 7, Form A

<sup>21</sup> Form 3



#### **1.4 PERFORMANCE OF THE IMPACT ASSESSMENT**

As described above, it is the duty of the Information Officer, as also the duly appointed Deputy Information Officers, to perform an impact assessment in order to ensure that the personal information processed by the Company is processed and retained in accordance with the above lawful conditions.

This impact assessment should include an analysis of the following:

- The nature of the personal information processed;
- The source of the personal information;
- Whether the data subject has been notified of their personal information processed by the Company;
- The purpose for which their personal information is processed;
- The person within the Company who is responsible for the processing of the respective personal information;
- The period for which the respective personal information will be retained, in accordance with both legislation and the Company Policy on the Retention of Documentation and Records;
- The manner in which the Company stores the personal information and the safety and security of such storage;
- The method adopted by the Company to destroy personal information that the Company is no longer required to process.

The findings of the above analysis should be recorded in a manner that confirms that the personal information processed by the Company has been processed lawfully.

The completion of Form 2 provides the Company with the means of performing the required impact assessment as also ensuring that the Company processes personal information lawfully and in accordance with the eight conditions.

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**2. PAIA AND POPI MANUAL IN TERMS OF  
SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)  
AND  
REGULATION 4 OF THE REGULATIONS RELATING TO THE PROTECTION OF  
PERSONAL INFORMATION ACT  
(POPI)  
THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)**

**2.1 INTRODUCTION**

- 2.1.1 The 1996 South African Constitution entrenches the fundamental right to access to information by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies.
- 2.1.2 The Promotion of Access to Information Act 2 of 2000 ("PAIA"), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.
- 2.1.3 PAIA establishes the following statutory rights of requesters to any record of a private body if:
- a) That record is required for the exercise or protection of any of his or her legal rights;
  - b) That requester complies with all the procedural requirements; and
  - c) Access is not refused in terms of any ground referred to in the Act.

**2.2 PURPOSE**

- 2.2.1 This manual is published in terms of Section 51(1) of PAIA in terms of which private bodies are required to publish a manual to assist requesters who wish to request access to a record (the Manual).
- 2.2.2 The Manual sets out in summary:
- a) The contact details of the Information Officer,
  - b) The structure and functions of the Company as a whole;
  - c) A description of the Personal Information and records retained and processed by the Company; and
  - d) A description of the records of the Company which are available in accordance with any other legislation;
  - e) A description of the procedure that should be followed and the criteria that have to be met by a party who wishes to access records and information retained by the Company
- 2.2.3 A copy of the Manual is available on the Company website and from the Company Information Officer.

## 2.3 ACCESS TO INFORMATION

- 2.3.1 AIA provides that everyone has the right of access to information held by another person when that information is required for the exercise or protection of any rights.
- 2.3.2 Therefore, a requester must satisfy to the Information Officer that the information or record to which they seek access is required in order to exercise or protect a right.
- 2.3.3 Requests shall be made in accordance with the prescribed procedures, at the rates provided in this Manual.
- 2.3.4 Requesters are also referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 2.3.5 The contact details of the Commission are:

*Postal Address:* Private Bag 2700, Houghton, 2041  
*Telephone Number:* +27-11-877 3600  
*Fax Number:* +27-11-403 0625  
*Website:* [www.sahrc.org.za](http://www.sahrc.org.za)

## 2.4 COMPANY INFORMATION OFFICER AND CONTACT DETAILS

*Information Officer*<sup>22</sup>: Klaus Heimes  
*Physical Address:* 85 Perl Road, Korsten, Gqeberha.  
*Tel:* 041 4041210  
*Fax:* 041 4537437  
*E-mail:* [klhei@alqoabus.co.za](mailto:klhei@alqoabus.co.za)

## 2.5 COMPANY PROFILE AND STRUCTURE

The Company provides a subsidized commuter bus service in the Nelson Mandela Metropole.

## 2.6 LEGISLATIVE REQUIREMENTS IN TERMS OF S 51(1)(d)

- 2.6.1 The Company retains records and information in accordance with the following legislation.

No 61 of 1973 Companies Act

No 55 of 1998	Employment Equity Act
No 95 of 1967	Income Tax Act
No 66 of 1995	Labour Relations Act
No 89 of 1991	Value Added Tax Act
No 75 of 1997	Basic Conditions of Employment Act
No 4 of 2013	Protection of Personal Information Act
No 25 of 2002	Electronic Communications and Transactions Act
No 130 of 1993	Compensation for Occupational and Diseases Act
No 2 of 2000	Promotion of Access of Information Act
No 63 of 2001	Unemployment Insurance Act
No 68 of 2008	Consumer Protection Act
No 38 of 2001	Financial Intelligence Centre Act
No 85 of 1993	Occupational Health and Safety Act
No 97 of 1998	Skills Development Act
No 9 of 1999	Skills Development Levies Act
No 34 of 2005	National Credit Act
No 4 of 2002	Unemployment Insurance Contributions Act

## **2.7 DESCRIPTION OF RECORDS HELD BY THE COMPANY IN ACCORDANCE WITH S51(e)**

2.7.1 The schedule of records listed is not exclusive of all records kept by the Company but is illustrative of the records kept by various departments and functions.

The availability of records differs with some information being provided on the Company website while other information is available on request. Some records are of a confidential nature and will not be released on request.

## **2.7.2 Management**

Minutes of Board Meetings  
Minutes of Management Meetings  
Tender/Contract Documentation  
Company Policies and Procedures  
Outsourcing Agreements  
Lease Agreements

## **2.7.3 Human Resources**

Workplace Skills Plans/ Annual Training Reports  
Discretionary Grant Contracts  
Employment Equity Plan and Reports  
Recruitment and Selection Records  
Union Recognition Agreements  
Disciplinary Code and Procedure  
Minutes of Union Meetings  
Bargaining Council Collective Agreements  
Performance Appraisal Records  
Manpower Plan

## **2.7.4 Finance**

Management Accounts  
Budgets  
Payroll Records  
Tax / VAT returns  
Bank Statements  
Subsidy Claim Documentation  
Audited Financial Statements  
Profit Share Scheme  
Asset Register

## **2.7.5 Quality Assurance & Information Technology**

Internal Audit Reports  
Inspector Road Incident and CCTV Footage Reports  
Insurance Claims  
Accident Records  
IOD Claims

Bus Schedules  
 Security Records / Reports  
 Electronic Ticket Machine Data  
 Software Agreements

### 2.7.6 Engineering

Bus Servicing Schedules and Records  
 Body Shop Repair Records  
 Central Workshop Refurbishment Schedules and records  
 Stores Inventory  
 Procurement Supplier Database  
 Procurement Records  
 Security Reports  
 Bus Cleaning Records  
 Occupational Health and Safety meeting Minutes/ Audit reports  
 Risk Assessment Reports

### 2.7.7 Operations

Bus Allocation Records  
 Roster of Drivers and Duties  
 Driver Leave Schedules  
 Bus CCTV Footage  
 Disciplinary Records  
 Daily Operations Reports  
 Bus Defect Reporting Sheets

## 2.8 REQUEST FOR ACCESS TO RECORDS AND/OR INFORMATION (S53)

2.8.1 Any requester who seeks access to any of the above records held by the Company must follow the procedure set out below:

2.8.1.1 Complete the prescribed Request for Access form.<sup>23</sup>

2.8.1.2 Address the request to the Information Officer identified above.

2.8.1.3 Provide sufficient details in the request for access at to enable the Company to identify:

a) The record(s) requested;

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<sup>23</sup> Form A

- b) The requester (and if an agent is lodging the request, proof of capacity);
- c) The form of access required;
- d) The postal address or fax number of the requester;
- e) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- f) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

If it is reasonably suspected that the requester has obtained access to the Company's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

## **2.9 PAYMENT OF PRESCRIBED FEE (S54) READ WITH PART III OF THE REGULATIONS**

- 2.9.1 A requestor who seeks access to records of the Company is required to pay the prescribed fee of R50.00 and complete form "A" attached.
- 2.9.2 If the preparation of the requested record requires more than six hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 2.9.3 Records may be withheld until the fees have been paid.
- 2.9.4 The complete breakdown of fees for requests to a private body is attached.<sup>24</sup>

## **2.10 NOTIFICATION**

- 2.10.1 The Company will, within thirty (30) days of receipt of the request, determine whether to grant or decline the request.<sup>25</sup>
- 2.10.2 The thirty (30) day period within which the Company has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of the Company and the information cannot be reasonably obtained within the original thirty (30) day period. The Company will notify the requester in writing should an extension be sought.
- 2.10.3 Where the request for access to a record is granted the requester will be notified of the following:

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<sup>24</sup> Form B

<sup>25</sup> Form C

- a) The amount of the access fee payable upon gaining access to the record;
- b) An indication of the form in which the access will be granted; and
- c) Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application

2.10.4 If the request for access to a record is denied the requester will be notified of such refusal together with adequate reasons for the refusal.<sup>26</sup>

2.10.5 If the Company has searched for a record and it is believed that the record neither exists nor cannot be found, the requester will be notified by way of an affirmation.<sup>27</sup> This will include the steps that were taken to try to locate the record.

## 2.11 GROUNDS FOR REFUSAL TO ACCESS OF RECORDS

2.11.1 Requests for access may be refused on the following grounds:

- 2.11.1.1 Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of Personal Information of that natural person;
- 2.11.1.2 Mandatory protection of commercial information of a third party or the Company, if the record contains:
  - a) Trade secrets of the third party or the Company
  - b) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or the Company; and
  - c) Information supplied in confidence by a third party to the Company if the disclosure could put that third party to a disadvantage or commercial competition.
- 2.11.1.3 Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- 2.11.1.4 Mandatory protection of the safety of individuals, and the protection of property;
- 2.11.1.5 Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and

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<sup>26</sup> As per Form C

<sup>27</sup> Form D



2.11.1.6 Mandatory protection of research information of a third party and of the Company.

## **2.12 APPEAL**

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within 180 days of notification of the Information Officer's decision, apply to a competent court for appropriate relief.

### 3 THE PROTECTION OF PERSONAL INFORMATION ACT (POPI)

#### 3.1 DEFINITIONS:

- 3.1.1 **Data subject** means the person to whom Personal Information relates
- 3.1.2 **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 3.1.2.1 Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - 3.1.2.2 Information relating to the education or the medical, financial, criminal or employment history of the person;
  - 3.1.2.3 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 3.1.2.4 The biometric information of the person;
  - 3.1.2.5 The personal opinions, views or preferences of the person;
  - 3.1.2.6 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - 3.1.2.7 The views or opinions of another individual about the person; and the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 3.1.3 **Special Personal Information** means the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
- 3.1.4 **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 3.1.4.1 The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

- 3.1.4.2 Dissemination by means of transmission, distribution or making available in any other form; or
- 3.1.4.3 Merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 3.1.5 **Responsible party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information
- 3.1.6 **De-identify** means to delete any information that identifies or can be manipulated to identify anyone.

## 3.2 PERSONAL INFORMATION COLLECTED

- 3.2.1 Personal Information will be processed by the Company in circumstances where the purpose of doing so is:
  - 3.2.1.1 Adequate,
  - 3.2.1.2 Relevant and
  - 3.2.1.3 Not excessive.
- 3.2.2 Only information necessary for the purpose will be retained by the Company.
- 3.2.3 The Company collects and processes Personal Information pertaining to its operational needs.<sup>28</sup>
- 3.2.4 The Company should take all necessary steps to ensure that the Personal Information collected is:
  - 3.2.4.1 Complete;
  - 3.2.4.2 Accurate;
  - 3.2.4.3 Not misleading; and
  - 3.2.4.4 Updated where necessary.<sup>29</sup>
- 3.2.5 The Personal Information collected by the Company must be collected directly from the data subject unless:
  - 3.2.5.1 The information is publicly available or has deliberately been made public by the data subject; or
  - 3.2.5.2 The data subject has consented to the collection of the Personal Information from another source<sup>30</sup>; or
  - 3.2.5.3 Collection of the Personal Information from another source would not prejudice a legitimate interest of the data subject; or

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<sup>28</sup> Form 2 should reflect the purpose for which the personal information is processed.

<sup>29</sup> Form 3

<sup>30</sup> Form 2 should reflect whether a data subject's personal information has been collected from a source other than the data subject. In such a circumstance, the data subject's consent is required to process that personal information unless the processing of the information is required to comply with an obligation imposed by operation of law.

- 3.2.5.4 Collection from another source is necessary to comply with an obligation imposed by law; or
  - 3.2.5.5 Compliance is not reasonably practicable in the circumstances of the particular use.
- 3.2.6 The Company processes the Personal Information of the following categories of data subjects:
- 3.2.6.1 Current, past and prospective data subjects;
  - 3.2.6.2 Customers and their employees, representatives, agents, contractors and service providers of such customers;
  - 3.2.6.3 Suppliers, service providers to and vendors of the Company and employees, representatives, agents, contractors and service providers of such suppliers and service providers;
  - 3.2.6.4 Directors and officers of the Company;
  - 3.2.6.5 Shareholders;
  - 3.2.6.6 Job applicants;
  - 3.2.6.7 Existing and former employees (including contractors, agents, temporary and casual employees)
  - 3.2.6.8 Visitors to any premises of the Company; and
  - 3.2.6.9 The Company should ensure that records are in place with all product suppliers and third-party service providers to ensure that a mutual understanding exists with regard to the protection of Personal Information shared with that supplier and/or service provider.<sup>31</sup>

### 3.3 THE USAGE OF PERSONAL INFORMATION

- 3.3.1 The Company will only process Personal Information if:
  - 3.3.1.1 The data subject consents; or
  - 3.3.1.2 Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party<sup>32</sup>; or
  - 3.3.1.3 Processing complies with an obligation imposed by law on the Company<sup>33</sup>; or

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<sup>31</sup> Form 4

<sup>32</sup> Forms 1A – 1C should reflect whether the data subject's personal information has been processed for this purpose.

<sup>33</sup> Forms 1A-1C should reflect whether the data subject's personal information has been processed for this purpose.

- 3.3.1.4 Processing protects a legitimate interest of the data subject; or
  - 3.3.1.5 Processing is necessary for the proper performance of a public law duty by a public body eg a duty imposed by the Constitution of South Africa; or
  - 3.3.1.6 Processing is necessary for pursuing the legitimate interests of the Company or of a third party to whom the information is supplied.<sup>34</sup>
- 3.3.2 The Company will only use the Personal Information for the purpose for which it was collected. Examples of this purpose may include, but are not limited to:
- 3.3.2.1 Providing services and carrying out the transactions requested;
  - 3.3.2.2 Confirming, verifying and updating details;
  - 3.3.2.3 The detection and prevention of fraud, crime, money laundering or other malpractices;
  - 3.3.2.4 Conducting market or customer satisfaction research;
  - 3.3.2.5 For audit and record keeping purposes;
  - 3.3.2.6 In connection with legal proceedings;
  - 3.3.2.7 Providing the Company services to data subjects, to render the services requested and to maintain and constantly improve the relationship;
  - 3.3.2.8 Providing communication in respect of the Company and regulatory matters that may affect data subjects
  - 3.3.2.9 For operational/ disciplinary and related matters in respect of employment relationships; and
  - 3.3.2.10 In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.
- 3.3.3 The Company will not use and/or process the Personal Information collected further than the purpose for which it was collected<sup>35</sup>, unless:
- 3.3.3.1 The supplier/data subject and/or service provider consents; or
  - 3.3.3.2 The information is available from a public record or has deliberately been made available; or

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<sup>34</sup> A data subject may object to the Company processing their personal information if the purpose for which it was collected accords with 3.1.4 to 3.1.6 above. In such a circumstance the Company may not process that personal information.

<sup>35</sup> Form 2 should indicate the purpose for which the personal information was collected and ensure it is not processed beyond that purpose unless those factors set out at 3.3.1 to 3.3.6 are applicable.

- 3.3.3.3 It is necessary to comply with an obligation imposed by law; or
  - 3.3.3.4 It is necessary for court proceedings; or
  - 3.3.3.5 It will prevent or mitigate a serious and imminent threat to the life or health of the data subject; or
  - 3.3.3.6 The information is used for historical, statistical or research purposes.
- 3.3.4 Where the Company intends to use the Personal Information other than for the purpose for which it was obtained, the Company must first consider the following:
- 3.3.4.1 The relationship between the purpose of the intended further use and the purpose for which the information has been collected and in doing so the Company must ensure that the further use of the information corresponds with the purpose set out in the Confirmation Forms<sup>36</sup>;
  - 3.3.4.2 The nature of the information concerned;
  - 3.3.4.3 The consequences to the Company of using that Personal Information other than for the purpose for which it was obtained from the data subject;
  - 3.3.4.4 The manner in which the information has been collected<sup>37</sup>; and
  - 3.3.4.5 Any contractual rights and obligations between the parties.

### 3.4 RETENTION OF RECORDS

- 3.4.1 The Company will take steps to ensure that records of Personal Information are not retained for any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed<sup>38</sup>, unless:
- 3.4.1.1 Retention of the record is required or authorised by law<sup>39</sup>;
  - 3.4.1.2 The Company reasonably requires the record for lawful purposes related to its functions or activities;
  - 3.4.1.3 Retention of the record is required by a contract between the parties thereto; or
  - 3.4.1.4 The data subject has consented to the retention of the record.

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<sup>36</sup> Forms 1A- 1C.

<sup>37</sup> Form 2

<sup>38</sup> Form 2 should reflect the period for which the personal information will be retained.

<sup>39</sup> Company Policy of the Retention of Documents

### **3.5 NOTIFICATION TO DATA SUBJECT**

- 3.5.1 The Company must ensure that the data subject is informed of the following<sup>40</sup>:
- 3.5.1.1 The information being collected and where the information is not collected from the data subject, the source from which it is collected;
  - 3.5.1.2 The name and address of the Company, where this is not known to the data subject;
  - 3.5.1.3 The purpose for which the information is being collected;
  - 3.5.1.4 Whether or not the supply of the information by that data subject is voluntary or mandatory;
  - 3.5.1.5 The consequences of failure to provide the information;
  - 3.5.1.6 Any particular law authorising or requiring the collection of the information;
  - 3.5.1.7 That the Company intends to transfer the information to a third party or international organisation and the level of protection afforded to the information by that third country or international organisation.

### **3.6 SAFEGUARDING PERSONAL INFORMATION**

- 3.6.1 It is a requirement of POPI to adequately protect all Personal Information processed. The Company will continuously review its security controls and processes to ensure that Personal Information is secure.
- 3.6.2 The Company's archived data subject information is stored off site and/or the Company utilises cloud based storage and/or stored in filing cabinets where entry is restricted to authorised persons with a key.
- 3.6.3 Access to retrieve personal information is limited to authorized Company personnel using confidential login details and is password restricted.
- 3.6.4 The Company suppliers, insurers and other third party service providers will be required to sign a Recordal<sup>41</sup> guaranteeing their commitment to the Protection of Personal Information; this is an ongoing process that will be evaluated by the Information Officer and Deputy Information Officers every six months.

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<sup>40</sup> Forms 1A-1C will ensure that this requirement is met.

<sup>41</sup> Form 4

- 3.6.5 All electronic files or data are backed up. The IT Department is responsible for Electronic Information Security.
- 3.6.6 Where there are reasonable grounds to believe that the Personal Information of a data subject has been accessed or acquired by any unauthorised person, the Company must notify the Information Regulator and the data subject, unless the identity of such data subject cannot be established.

### **3.7 ACCESS AND CORRECTION OF PERSONAL INFORMATION**

- 3.7.1 Data subjects have the right to access the Personal Information the Company holds about them<sup>42</sup>.
- 3.7.2 Data subjects may ask the Company to update, correct or delete their Personal Information where it is inaccurate, out of date, incomplete or unlawfully obtained.<sup>43</sup>
- 3.7.3 Once a data subject has made the above request, the Company must take steps to correct the information, or delete it, whichever is applicable.
- 3.7.4 The Company should then provide the data subject with confirmation in support of the fulfilment of the request.
- 3.7.5 A data subject may object<sup>44</sup> to the processing of their personal information where:
  - 3.7.5.1 Processing protects a legitimate interest of the data subject; or
  - 3.7.5.2 Processing is necessary for the proper performance of a public law duty by a public body eg a duty imposed by the Constitution of South Africa; or
  - 3.7.5.3 Processing is necessary for pursuing the legitimate interests of the Company or of a third party to whom the information is supplied.<sup>45</sup>
- 3.7.6 Where the data subject objects to the processing of personal information processed in accordance with the above, the Company may no longer process that personal information.

### **3.8 RESTRICTIONS ON THE PROCESSING OF SPECIAL PERSONAL INFORMATION**

- 3.8.1 The Company will not process a data subject's special Personal Information unless:

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<sup>42</sup> Form A referred to in the PAIA Manual sets out the procedure a data subject must follow

<sup>43</sup> Form 3

<sup>44</sup> Form 6

<sup>45</sup> A data subject may object to the Company processing their personal information if the purpose for which it was collected accords with 3.1.4 to 3.1.6 above. In such a circumstance the Company may not process that personal information.



- 3.8.1.1 The data subject has given his/her consent; or
- 3.8.1.2 The processing of the special Personal Information is needed for the establishment, exercise or defence of a right or obligation in law; or
- 3.8.1.3 The processing of the special Personal Information is necessary to comply with an obligation of international law; or
- 3.8.1.4 The processing of the special Personal Information is for historical, statistical or research purposes; or
- 3.8.1.5 The special Personal Information has been made public by the data subject.

### **3.9 TRANSBORDER INFORMATION FLOWS**

- 3.9.1 The Company will not transfer any Personal Information across the borders of the Republic of South Africa unless:
  - 3.9.1.1 The party to whom the Personal Information is transferred is equally subject to laws or rules which provide an adequate level of protection that effectively upholds the principles regulated by POPI<sup>46</sup>; or
  - 3.9.1.2 The data subject consents to the transfer; or
  - 3.9.1.3 The transfer of the Personal information is necessary for the performance of a contract between the data subject and the Company, or for the implementation of pre-contractual measures taken in response to the data subject's request; or
  - 3.9.1.4 The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Company and a third party; or
  - 3.9.1.5 The transfer is for the benefit of the data subject, and—
    - a) It is not reasonably practicable to obtain the consent of the data subject to that transfer; and
    - b) If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

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<sup>46</sup> Where the Company transfers personal information to third parties across the borders of South Africa, the data subject must be informed of same.

### **3.10 EXCLUSIONS**

POPI does not apply to the processing of Personal Information in the course of a purely personal or household activity or that has been deleted to the extent that it cannot be re-identified again.

#### **4. POLICY ON THE RETENTION & CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS**

##### **4.1 PURPOSE**

The purpose of this Policy is:

- 4.1.1 To exercise effective control over the retention of documents and electronic transactions;
- 4.1.2 To ensure that documents are retained in order to prove the existence of facts and to exercise rights the Company may have in relation to its records;
- 4.1.3 To ensure that the Company's interests are protected and that the Company's and data subjects' rights to privacy and confidentiality are not breached.

##### **4.2 SCOPE & DEFINITIONS**

- 4.2.1 This Policy applies to all documents and electronic transactions generated within and/or received by the Company.
- 4.2.2 Definitions:
  - 4.2.2.1 Data subjects include, but are not limited to, employees, shareholders, debtors, creditors, suppliers and service providers.
  - 4.2.2.2 Confidential Information refers to all information or data disclosed to or obtained by the Company by any means whatsoever.
  - 4.2.2.3 Constitution refers to the Constitution of the Republic of South Africa Act, 108 of 1996.
  - 4.2.2.4 Data refers to electronic representations of information in any form.
  - 4.2.2.5 Documents includes books, records, security or accounts and any information that has been stored or recorded electronically, photographically, magnetically, mechanically, electromechanically or optically, or in any other form.
  - 4.2.2.6 ECTA refers to the Electronic Communications and Transactions Act, 25 of 2002.
  - 4.2.2.7 Electronic communication refers to a communication by means of data messages.
  - 4.2.2.8 Electronic signature refers to data attached to, incorporated in, or logically associated with other data and which is intended by the user to serve as a signature.
  - 4.2.2.9 Electronic transactions include e-mails sent and received.
  - 4.2.2.10 PAIA refers to the Promotion of Access to Information Act, 2 of 2000.

## 4.3 STORAGE OF DOCUMENTS

### 4.3.1 Hard Copies

4.3.1.1 In terms of the Companies Act, No 71 of 2008, and the Companies Amendment Act No 3 of 2011, hard copies of the documents mentioned below must be retained for 7 years:

- a) Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;
- b) Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities;
- c) Copies of reports presented at the annual general meeting of the company;
- d) Copies of annual financial statements required by the Act;
- e) Copies of accounting records as required by the Act;
- f) Record of directors and past directors, after the director has retired from the company;
- g) Written communication to holders of securities and
- h) Minutes and resolutions of directors' meetings, audit committee and directors' Committees

Copies of the documents mentioned below must be retained indefinitely:

- a) Registration certificate;
- b) Memorandum of Incorporation and alterations and amendments;
- c) Rules;
- d) Securities register and uncertified securities register;
- e) Register of company secretary and auditors and
- f) Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) – Register of disclosure of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued.

4.3.1.2 The Consumer Protection Act, No 68 of 2008 requires a retention period of 3 years for information provided to a consumer by a supplier such as:

- a) Full names, physical address, postal address and contact details;
- b) ID number and registration number;
- c) Contact details of public officer in case of a juristic person;
- d) Service rendered;
- e) Intermediary fee;
- f) Cost to be recovered from the consumer;
- g) Frequency of accounting to the consumer;
- h) Amounts, sums, values, charges, fees, remuneration specified in monetary terms;
- i) Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided;

- i) Record of advice furnished to the consumer reflecting the basis on which the advice was given;
- k) Written instruction sent by the intermediary to the consumer;
- l) Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions;

Documents Section 45 and Regulation 31 for Auctions.

#### 4.3.1.3 The Financial Intelligence Centre Act, No 38 of 2001:

Section 22 and 23 of the Act require a retention period of 5 years for the documents and records of the activities mentioned below:

- a) Whenever an transaction is concluded between an accountable institution (as per Schedule 1 of the Financial Intelligence Centre Act) and a data subject, the accountable institution must keep record of the identity of the data subject;
- b) If the data subject is acting on behalf of another person, the identity of the person on whose behalf the data subject is acting and the data subjects authority to act on behalf of that other person;
- c) If another person is acting on behalf of the data subject, the identity of that person and that other person's authority to act on behalf of the data subject;
- d) The manner in which the identity of the persons referred to above was established;
- e) The nature of that business relationship or transaction;
- f) In the case of a transaction, the amount involved and the parties to that transaction;
- g) All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;
- h) The name of the person who obtained the identity of the person transacting on behalf of the accountable institution;
- i) Any document or copy of a document obtained by the accountable institution.

These documents may also be kept in electronic format.

#### 4.3.1.4 Compensation for Occupational Injuries and Diseases Act, No 130 of 1993:

- a) Section 81(1) and (2) of the Compensation for Occupational Injuries and Diseases Act requires a retention period of 4 years for the documents mentioned below:
  - Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.
- b) Section 20(2) documents with a required retention period of 3 years:

- Health and safety committee recommendations made to an employer in terms of issues affecting the health of employees and of any report made to an inspector in terms of the recommendation;
  - Records of incidents reported at work.
- c) Asbestos Regulations, 2001, if applicable, regulation 16(1) requires a retention period of minimum 40 years for the documents mentioned below:
- Records of assessment and air monitoring, and the asbestos inventory;
  - Medical surveillance records;
  - Hazardous Biological Agents Regulations, 2001, Regulations 9(1) and (2):
  - Records of risk assessments and air monitoring;
  - Medical surveillance records.
- d) Lead Regulations, 2001, if applicable, Regulation 10:
- Records of assessments and air monitoring;
  - Medical surveillance records.
- e) Noise - induced Hearing Loss Regulations, 2003, if applicable, Regulation 11:
- All records of assessment and noise monitoring;
  - All medical surveillance records, including the baseline audiogram of every employee.
- f) Hazardous Chemical Substance Regulations, 1995, if applicable, Regulation 9 requires a retention period of 30 years for the documents mentioned below:
- Records of assessments and air monitoring;
  - Medical surveillance records.

#### 4.3.1.5 Basic Conditions of Employment Act, No 75 of 1997:

The Basic Conditions of Employment Act requires a retention period of 3 years for the documents mentioned below:

- a) Section 29(4):
- Written particulars of an employee after termination of employment;

b) Section 31:

- Employee's name and occupation;
- Time worked by each employee;
- Remuneration paid to each employee;
- Date of birth of any employee under the age of 18 years.

4.3.1.6 Employment Equity Act, No 55 of 1998:

Section 26 and the General Administrative Regulations, 2009, Regulation 3(2) requires a retention period of 3 years for the documents mentioned below:

- Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act;
- Section 21 and Regulations 4(10) and (11) require a retention period of 3 years for the report which is sent to the Director General as indicated in the Act.

4.3.1.7 Labour Relations Act, No 66 of 1995:

Sections 53(4), 98(4) and 99 require a retention period of 3 years for the documents mentioned below:

- Records to be retained by the employer are the collective agreements concluded by the Company and arbitration awards.

Sections 99, 205(3), Schedule 8 of Section 5 and Schedule 3 of Section 8(a) require an indefinite retention period for the documents mentioned below:

- An employer must retain prescribed details of any strike action involving its employees;
- Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions.

4.3.1.8 Unemployment Insurance Act, No 63 of 2002:

The Unemployment Insurance Act, applies to all employees and employers except:

- Workers working less than 24 hours per month;
- Learners;
- Public servants;
- Foreigners working on a contract basis;
- Workers who get a monthly State (old age) pension;
- Workers who only earn commission.

Section 56(2)(c) requires a retention period of 5 years, from the date of submission of personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed.

#### 4.3.1.9 Tax Administration Act, No 28 of 2011:

Section 29 of the Tax Administration Act requires a retention period of 5 years of documents and books of account required for the submission of a tax return.

Section 32(a) and (b) require a retention period of 5 years of records, documents and books of account where such information relates to a tax return which is subject to audit by SARS or where an audit finding by SARS has been appealed.

#### 4.3.1.10 Income Tax Act, No 58 of 1962:

Schedule 4, paragraph 14(1)(a)-(d) of the Income Tax Act requires a retention period of 5 years from the date of submission for documents pertaining to each employee that the employer shall keep:

- Amount of remuneration paid or due by the employer to the employee;
- The amount of employees tax deducted or withheld from the remuneration paid or due;
- The income tax reference number of that employee;
- Any further prescribed information;
- Employer Reconciliation return.

#### 4.3.1.11 Value Added Tax Act, No 89 of 1991:

Section 15(9), 16(2) and 55(1)(a) of the Value Added Tax Act and Interpretation Note 31, 30 March requires a retention period of 5 years from the date of submission of the return for the documents mentioned below:



- Where a vendor's basis of accounting is changed the vendor shall prepare lists of debtors and creditors showing the amounts owing to the creditors at the end of the tax period immediately preceding the changeover period;
- Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS;
- Vendors are obliged to retain records of all goods and services, rate of tax applicable to the supply, list of suppliers or agents, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques;
- Documentary proof substantiating the zero rating of supplies;
- Where a tax invoice, credit or debit note, has been issued in relation to a supply by an agent or a bill of entry as described in the Customs and Excise Act, the agent shall maintain sufficient records to enable the name, address and VAT registration number of the principal to be ascertained.

#### 4.3.2 Electronic Storage

##### 4.3.2.1 Scanned documents:

- a) If documents are scanned, the hard copy must be retained for as long as the information is used or for 1 year after the date of scanning, with the exception of documents pertaining to employees.
- b) Any document containing information on the written particulars of an employee, including employee's name and occupation, time worked by each employee, remuneration and date of birth of an employee under the age of 18 years; must be retained for a period of 3 years after termination of employment.

4.3.2.2 Section 51 of the Electronic Communications Act No 25 of 2005 requires that Personal Information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information and a record of any third party to whom the information was disclosed must be retained for a period of 1 year or for as long as the information is used. It is also required that all Personal Information which has become obsolete must be destroyed.

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## 5. **FORMS**

Form A1: Registration of Information Officer<sup>47</sup>

Form A2: Delegation as Deputy Information Officer<sup>48</sup>

Form A: Request for Access to Records of Private Body<sup>49</sup>

Form B: Breakdown of Fees<sup>50</sup>

Form C: Notification of Decision for Request for Access<sup>51</sup>

Form D: Affirmation in Respect of Lost Records/Records that Do Not Exist<sup>52</sup>

Form 1A: Recordal of Personal Information – Employee<sup>53</sup>

Form 1B: Recordal of Personal Information – Client/Customer<sup>54</sup>

Form 1C: Recordal of Personal Information – Service Provider/Supplier<sup>55</sup>

Form 2: Impact Assessment Matrix <sup>56</sup>

Form 3: Notification of Changes to Personal Information<sup>57</sup>

Form 4: Agreement Regarding the Exchange of Personal Information<sup>58</sup>

Form 5: Objection to Processing of Personal Information <sup>59</sup>

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<sup>47</sup> Form A1, page 7 para 4

<sup>48</sup> Form A2, page 7 para 4

<sup>49</sup> Form A, page 10 para 8

<sup>50</sup> Form B, page 11 para 10

<sup>51</sup> Form C, page 11 para 11

<sup>52</sup> Form D, page 12 para 11

<sup>53</sup> Form 1A, page 17 para 3.1.2, page 18 para 3.4.1, page 19 para 5.1

<sup>54</sup> Form 1 B, page 17 para 3.1.2, page 18 para 3.4.1, page 19 para 5.1

<sup>55</sup> Form 1C, page 17 para 3.1.2, page 18 para 3.4.1, page 19 para 5.1

<sup>56</sup> Form 2, page 15 para 2.3, page 16 para 2.5.2, page 18 para 3.4.4, page 19 para 4.1,

<sup>57</sup> Form 3, page 15 para 2.4

<sup>58</sup> Form 4, page 16 para 2.7, page 20 para 6.4

<sup>59</sup> Form 5, page 20 para 7.5



**INFORMATION  
REGULATOR  
(SOUTH AFRICA)**

*Ensuring protection of your personal information  
and effective access to information*

## **REGISTRATION CERTIFICATE**

**Registration Number: 14324/2021-2022/IRRTT**

This is to certify that **Klaus Heimes** has been registered with the Information Regulator by **Algoa Bus Company (PTY) LTD** as the Information Officer in terms of section 55(2) of the Protection of Personal Information Act 4 of 2013 with effect from **28 May 2021**.

A handwritten signature in black ink, appearing to be 'A. Heimes', is written over a horizontal line.

**Chief Executive Officer  
INFORMATION REGULATOR**

**NB:** Please note that it is your responsibility to ensure that the particulars of an Information Officer and/or Deputy Information Officer(s) are correct and updated on an annual basis or as and when it becomes necessary.



# ALGOA BUS COMPANY (PTY) LTD

Reg. No. 1896/000148/07

Perl Road, Korsten, Port Elizabeth. 6020. P.O. Box 225, Port Elizabeth. 6000. - Telephone (041) 404 1200

28 May 2021

Mr Klaus Heimes  
c/o Algoa Bus Company  
P O Box 225  
**PORT ELIZABETH**  
6000

Our Ref.:CEO-333/21

Dear Mr Heimes

## APPOINTMENT AS INFORMATION OFFICER

You are hereby appointed as the Information Officer as required by the Protection of Personal Information Act (Act 4 of 2003) and the Protection of Access to Information Act (Act 2 of 2000).

You are entrusted with the following responsibilities:

- Taking steps to ensure reasonable compliance with the provisions of POPIA and PAIA.
- Align the Company personal information processing procedures with privacy regulations. This will include reviewing the Company information protection policies and procedures.
- Ensure that POPI audits are conducted.
- Facilitate the processing of information requests and complaints.
- Maintain updated data subject consent documentation.
- Organize and oversee awareness training of employees involved with the processing of personal information.
- Act as the contact person with the Information Regulator.

Yours Faithfully

  
**M M DUZE**  
**CHIEF EXECUTIVE OFFICER**

Acceptance: Klaus Heimes: 

Date: 28/5/21



**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:  Mark the appropriate box with an <b>X</b> .  NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	Form in which record is required:
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<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
**The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

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.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at ..... this day..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE



**BREAKDOWN OF FEES IN RESPECT OF ACCESS TO RECORDS OF A PRIVATE  
BODY IN TERMS OF PAIA**

1. The fee for a copy of the Company's PAIA manual is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction of a record held by the Company are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(iii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.  
For purposes of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable;  
and
- (b) one third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.

**NOTIFICATION OF DECISION IN RESPECT OF REQUEST FOR ACCESS IN TERMS OF PAIA**

The Company refers to your request for access to records, received on \_\_\_\_\_.

Your request has been granted / denied [Delete whichever is inapplicable]

The reason your request has been denied is: [delete if inapplicable]

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Upon payment of the prescribed fee, as seen from Form B, the Company will provide the requested records in the format requested.

Kind regards

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**AFFIRMATION IN RESPECT OF LOST RECORDS AND/OR RECORDS THAT DO NOT  
EXIST**

The Company refers to your request for access to records, received on \_\_\_\_\_.

The Company has performed a diligent and comprehensive search for the requested records.

Despite such search it is apparent that the requested records have been lost and/or no longer exist.

The following steps were taken by the Company to come to this conclusion:

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Kind regards

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**RECORDAL OF PERSONAL INFORMATION PROCESSED BY THE COMPANY-EMPLOYEES (EXISTING AND NEW) AND APPLICANTS FOR EMPLOYMENT**

1. In accordance with the provisions of Section 18(1) of the Protection of Personal Information Act (POPI) the Company confirms that it processes the following information insofar as it pertains to you, for the purposes referred to below:
  - (a) Your personal information, which includes:
    - i. Race
    - ii. Gender
    - iii. Marital status
    - iv. Age
    - v. Disability status
    - vi. Language
    - vii. Information relating to education and employment history
    - viii. ID number
    - ix. Email address and contact number
    - x. Physical address
    - xi. Biometric information associated with workplace access/activities
    - xii. Correspondence between employee and Company
  - (b) Training records
  - (c) Contracts of employment
  - (d) Employment equity reports
  - (e) Leave records
  - (f) Pension fund and medical aid records
  - (g) UIF records
  - (h) Attendance registers
  - (i) Clocking records
  - (j) Remuneration records
  - (k) Payslips
  - (l) Trade Union membership
  - (m) Disciplinary records
  - (n) Certificates submitted by you for work-related purposes
2. The Company processes the above personal information for the following purposes:
  - 2.1. For the conclusion of and/or performance in regard to your contract of employment;
  - 2.2. To comply with obligations imposed upon the Company by operation of law;
  - 2.3. To protect your legitimate interests;
  - 2.4. For pursuing the legitimate interests of the Company or of a Third Party to whom the above personal information is supplied.
3. The Company should be informed of any changes to the above personal information as soon as practicably possible after you become aware of such change by way of completion of the appropriate form for this purpose which may be sourced from the Company.
4. Where applicable, your personal information may be transferred across the borders of the Republic of South Africa to entities with which the Company is associated. In such circumstances, your personal information will not be transferred unless the third party to whom your personal information is sent is equally subject to a law, agreement or rules

that upholds principles for the reasonable processing of personal information, and which includes provisions and protection similar to that of POPI.

5. The Company is committed to protecting your privacy and ensuring that your personal information is used appropriately, transparently, securely and in accordance with applicable laws.

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

Company  
Representative: \_\_\_\_\_

**RECORDAL OF PERSONAL INFORMATION PROCESSED – CLIENT/CUSTOMER**

1. In accordance with the provisions of Section 18(1) of the Protection of Personal Information Act (POPI) the Company confirms that it processes the below personal information insofar as it pertains to you for the purposes referred to below:
  - (a) Entity name
  - (b) Registration number
  - (c) Registered address
  - (d) Directors details
  - (e) Shareholder details
  - (f) VAT number
  - (g) Contact details
  - (h) BBBEE status
  - (i) Contract documentation associated with the parties' corporate relationship
  - (j) Correspondence between the parties relating to the corporate relationship.
  
2. The Company processes the above personal information for the following purposes:
  - 2.1. For the provision and/or delivery of services and/or goods to you by the Company;
  - 2.2. To comply with obligations imposed upon the Company by operation of law;
  - 2.3. To protect your legitimate interests;
  - 2.4. For pursuing the legitimate interests of the Company or of a Third Party to whom the above personal information is supplied.
  
2. The Company should be informed of any changes to the above personal information as soon as practicably possible after becoming aware of such change by way of completion of the appropriate form for this purpose which may be sourced from the Company.
  
3. Where applicable, your personal information may be transferred across the borders of the Republic of South Africa to entities with which the Company is associated. In such circumstances, your personal information will not be transferred unless the third party to whom your personal information is sent is equally subject to a law, agreement or rules that upholds principles for the reasonable processing of personal information, and which includes provisions and protection similar to that of POPI.
  
4. The Company is committed to protecting your privacy and ensuring that your personal information is used appropriately, transparently, securely and in accordance with applicable laws.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Company  
Representative: \_\_\_\_\_

**RECORDAL OF PERSONAL INFORMATION PROCESSED – SERVICE PROVIDER**

1. In accordance with the provisions of Section 18(1) of the Protection of Personal Information Act (POPI) the Company confirms that it processes the following personal information insofar as it pertains to you for the purposes referred to below:
  - a) Entity name
  - b) Registration number
  - c) Registered address
  - d) Directors details
  - e) Shareholder details
  - f) VAT number
  - g) Contact details
  - h) BBBEE status
  - i) Bank details
  - j) Tax number
  - k) Contract documentation associated with the parties' corporate relationship
  - l) Correspondence between the parties relating to the corporate relationship.
  
2. The Company processes the above personal information for the following purposes:
  - 2.1. For the provision and/or delivery of services and/or goods by you to the Company;
  - 2.2. To comply with obligations imposed upon the Company by operation of law;
  - 2.3. To protect your legitimate interests;
  - 2.4. For pursuing the legitimate interests of the Company or of a Third Party to whom the above personal information is supplied.
  
2. The Company should be informed of any changes to the above personal information as soon as practicably possible after becoming aware of such change by way of completion of the appropriate form for this purpose which may be sourced from the Company.
  
3. Where applicable, your personal information may be transferred across the borders of the Republic of South Africa to entities with which the Company is associated. In such circumstances, your personal information will not be transferred unless the third party to whom your personal information is sent is equally subject to a law, agreement or rules that upholds principles for the reasonable processing of personal information, and which includes provisions and protection similar to that of POPI.
  
4. The Company is committed to protecting your privacy and ensuring that your personal information is used appropriately, transparently, securely and in accordance with applicable laws.

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

Company  
Representative: \_\_\_\_\_

The following PI and SPI is retained and processed in respect of Employees

<u>PI and SPI collected</u>	<u>Source of PI</u>	<u>Data Subject notified<sup>1</sup></u>	<u>Purpose of PI</u>	<u>Person Responsible</u>	<u>Retention period<sup>2</sup></u>	<u>Means of Storage</u>	<u>Method of destruction</u>
Name	Data Subject ✓	✓	Contract of employment and operational and administrative purposes	P. Daniels B. Mitchell L. Parker-Nance	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records ✓						
	Other <sup>3</sup>						
Identity Number and Age	Data Subject ✓	✓	Registration for UIF and PAYE and administrative purposes	P. Daniels B. Mitchell	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Delete
	Existing records ✓						
	Other						
Tax number	Data Subject ✓	✓	PAYE registration and administrative purposes	P. Daniels B. Mitchell	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Delete
	Existing records ✓						
	Other						
Biometric information associated with	Data Subject ✓	✓	Operational and administrative purposes	P. Daniels B. Mitchell B. Kleinhans	For the duration of employment and 5 years	Cloud/Filing cabinet	Shred and Delete



The following PI and SPI is retained and processed in respect of Employees

workplace activities	Existing records		✓			after termination of employment		
	Data Subject	Other						
Email address and contact details	Data Subject	✓	✓	Operational and administrative purposes	B. Kleinhans	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Delete
	Existing records	✓						
	Other							
UIF Records	Data Subject	✓	✓	Operational and administrative purposes	B. Mitchell R. Sigeno	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records	✓						
	Other							
Information relating to Education and Employment history	Data Subject	✓	✓	Employment application and operational and administrative purposes	S. Billett B. Mitchell P. Daniels L. Parker-Nance	For the duration of employment and 5 years after	Cloud/Filing cabinet	Shred
	Existing records	✓						

<sup>1</sup> Form 1A

<sup>2</sup> Policy on the Retention of Documents

<sup>3</sup> Where personal information is collected from a source other than the data subject, the Company should ensure that:

- The source of the personal information is identified and recorded, and
- One of the factors in 2.5.1 – 2.5.5 of the Manual is applicable

The following PI and SPI is retained and processed in respect of Employees

Address	Other								
	Data Subject	✓	✓	Contract of employment and operational and administrative purposes	P. Daniels B. Mitchell L. Parker-Nance	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Delete	
	Existing records	✓							
	Other								
Remuneration records	Data Subject	✓	✓	Operational and administrative purposes	P. Daniels B. Mitchell L. Parker-Nance	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Shred and delete	
	Existing records	✓							
	Other								
Payslips	Data Subject	✓	✓	Operational and administrative purposes	P. Daniels B. Mitchell B. Kleinhans	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Delete	
	Existing records	✓							
	Other	✓							
Leave records including all forms of statutory leave	Data Subject	✓	✓	Operational and administrative purposes	P. Daniels B. Mitchell	For the duration of employment and 3 years after termination of employment	Cloud/Filing cabinet	Delete	
	Existing records	✓							
	Other								

The following PI and SPI is retained and processed in respect of Employees

Clocking records	Data Subject	✓	✓	Calculation of remuneration and operational and administrative purposes	P. Daniels B. Mitchell	For the duration of employment and 3 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records	✓						
	Other	✓						
Attendance records	Data Subject	✓	✓	Operational and administrative purposes	P. Daniels B. Mitchell	For the duration of employment and 3 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records	✓						
	Other							
Training records	Data Subject	✓	✓	Operational and administrative purposes	S. Billett	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records	✓						
	Other	✓						
Medical Aid and Provident Fund records	Data Subject	✓	✓	Calculation of remuneration and operational and administrative purposes.	P. Daniels B. Mitchell R. Sigenu	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records	✓						
	Other	✓						

The following PI and SPI is retained and processed in respect of Employees

Trade Union Membership	Data Subject	√	√	Administrative processing	P. Daniels L. Parker-Nance	For the duration of employment and 5 years after termination of employment	Cloud/Filing cabinet	Shred and delete
	Existing records	√						
	Other							

The following PI and SPI is processed and retained in respect of Company Suppliers and Service Providers

<u>PI and SPI collected</u>	<u>Source of PI</u>			<u>Data Subject notified</u> <sup>1</sup>	<u>Purpose of PI</u>	<u>Person Responsible</u>	<u>Retention period</u> <sup>2</sup>	<u>Means of Storage</u>	<u>Method of destruction</u>
Company Registration number	Data Subject	✓	✓	FICA and administrative purposes	E. Barnard	For the duration of service and 5 years after.	Cloud/Filing Cabinet	Shred and delete	
	Existing records	✓							
	Other <sup>3</sup>								
Directors' details	Data Subject	✓	✓	FICA and administrative purposes	E. Barnard	For the duration of service and 5 years after For the duration of service and 5 years after	Cloud/Filing Cabinet	Shred and delete	
	Existing records	✓							
	Other								
VAT Number	Data Subject	✓	✓	FICA/Accounting and administrative purposes	N. Moyes F.Keke	For the duration of service and 5 years after	Cloud/Filing Cabinet	Shred and delete	
	Existing records								
	Other								

<sup>1</sup> Forms 1B and 1C

<sup>2</sup> Policy on the Retention of Documents

<sup>3</sup> Where personal information is collected from a source other than the data subject, the Company should ensure that:

- The source of the personal information is identified and recorded, and
- One of the factors in 2.5.1 – 2.5.5 of the Manual is applicable

**The following PI and SPI is processed and retained in respect of Company Suppliers and Service Providers**

Company Address	Data Subject	✓	✓	FICA/Accounting and administrative purposes	E. Barnard	For the duration of service and 5 years after	Cloud/Filing Cabinet	Shred and delete
	Existing records	✓						
	Other							
Bank Details	Data Subject	✓	✓	FICA/Accounting and administrative purposes	N. Moyes	For the duration of service and 5 years after	Cloud/Filing cabinet	Delete
	Existing records	✓						
	Other							
Tax Number	Data Subject	✓	✓	FICA/Accounting and administrative purposes	N. Moyes	For the duration of service and 5 years after	Cloud/Filing cabinet	Delete
	Existing records	✓						
	Other							
BBBEE Status	Data Subject	✓	✓	Employment Equity Reporting and administrative purposes	F. Keke	For the duration of service and 5 years after	Cloud/Filing Cabinet	Shred and delete
	Existing records	✓						
	Other							
Contractual documentation	Data Subject	✓	✓	For the conclusion and performance of required contractual agreements	M. Frieslaar N. Moyes	Dependant on the nature of the Agreement	Cloud/Filing Cabinet	Shred and delete
	Existing records	✓						
	Other							

**The following PI and SPI is processed and retained in respect of Company Suppliers and Service Providers**

Correspondence between the parties relating to the corporate relationship.	Data Subject	√	√	Operational and administrative purposes	M. Frieslaar	Cloud/Filing Cabinet	Shred and delete
	Existing records						
	Other						

The following PI and SPI is retained and processed in respect of the Company

Form 2

<u>PI and SPI collected</u>	<u>Source of PI</u>	<u>Data Subject notified</u>	<u>Purpose of PI</u>	<u>Person Responsible</u>	<u>Retention period<sup>1</sup></u>	<u>Means of Storage</u>	<u>Method of destruction</u>
Memorandum of Incorporation	Existing records	N/A	Compliance with the Companies Act		7 years	Cloud/Filing Cabinet/Off Site storage	Shred and delete
	Other <sup>2</sup>						
CIPC Documents	Existing records	N/A	Compliance with the Companies Act		7 years		
	Other						
Share Certificates	Existing records	N/A	Compliance with the Companies Act		7 years		
	Other						
Details of Directors	Existing records	N/A	Compliance with the Companies Act		7 Years		
	Other						
Shareholders Details	Existing records	N/A	Compliance with the Companies Act		7 years		
	Other						
Annual Reports	Existing records	N/A	Compliance with the Companies Act		7 years		
	Other						
Minutes of Board Meetings	Existing records	N/A	Compliance with the Companies Act		7 years		
	Other						

<sup>1</sup> Policy on the Retention of Documents

<sup>2</sup> Where personal information is collected from a source other than the data subject, the Company should ensure that:

- The source of the personal information is identified and recorded, and
- One of the factors in 2.5.1 – 2.5.5 of the Manual is applicable



**CHANGES TO PERSONAL INFORMATION**

\_\_\_\_\_, with identity number/ Company registration number \_\_\_\_\_ hereby notifies the Company of certain changes to be made to the personal information processed by the Company:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

The data subject acknowledges that the above personal information is not in addition to the personal information retained by the Company but rather a replacement of same and as such the data subject consents to the processing of the above personal information for the same purpose for which the data subject's original personal information was given.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Data subject: \_\_\_\_\_

Company Representative: \_\_\_\_\_

**RECORDAL REGARDING THE EXCHANGE OF INFORMATION**  
**IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF**  
**2013**  
**("POPI")**

Between:

\_\_\_\_\_  
(the Company)

and

\_\_\_\_\_  
(the Service Provider)

**1. DECLARATION**

By signing this Recordal the parties declare and confirm that they irrevocably agree and understand that any/all information supplied or given to the other party during the course of the services provided by the Service Provider, in its capacity as an "operator" in terms of Section 20 of POPI, to or on behalf of the Company, and/or employees of the Company is done so in terms of this Recordal.

**2. DEFINITIONS**

2.1 **Personal Information** means personal information as defined in the Protection of Personal Information Act and includes but is not limited to:

- 2.1.1 Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- 2.1.2 Information relating to the education or the medical, financial, criminal or employment history of the person;
- 2.1.3 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

- 2.1.4 The biometric information of the person;
  - 2.1.5 The personal opinions, views or preferences of the person;
  - 2.1.6 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - 2.1.7 The views or opinions of another individual about the person; and
  - 2.1.8 The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 2.2 **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal or any information, including but not limited to
- 2.2.1 The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 2.2.2 Dissemination by means of transmission, distribution or making available in any other form; or
  - 2.2.3 Merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 2.3 **Services** means those services referred to in Schedule 1 to this Agreement.

### 3. **ACKNOWLEDGMENT AND UNDERTAKING**

- 3.1 The parties acknowledge that the conclusion of the Agreement gives rise to the exchange, between the parties, of documentation containing personal information.
- 3.2 The parties undertake to utilise the personal information exchanged expressly for the purpose for which it was exchanged and/or provided.
- 3.3 The parties further undertake to comply with POPI in all respects with regards to the lawful conditions for the processing of personal information in rendering the Services.
- 3.4 The parties agree that all personal information shared between the parties will be processed solely for the purpose of the provision of the Services.
- 3.5 The parties further undertake not to process personal information received from the other party for any purpose other than for the purpose set out

above unless the other party consents to such further processing in writing save in the event that such further processing is necessary to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in Section of the South African Revenue Service Act No 34 of 1997.

- 3.6 The parties undertake to notify each other of any changes to the personal information exchanged immediately upon that party becoming aware of such change.
- 3.7 The parties undertake not to retain the personal information provided by the other party for any period longer than is necessary for achieving the purpose for which the information was collected.

#### 4. **MEASURES TO SAFE GUARD PERSONAL INFORMATION**

- 4.1 The parties undertake to take all necessary steps to prevent:
  - 4.1.1 Loss of, damage to or unauthorised destruction of personal information; and
  - 4.1.2 Unlawful access to or processing of the personal information.
- 4.2 Where there are reasonable grounds to believe that any personal information supplied has been accessed by an unauthorised person, the other party will notify the party whose information has been accessed of same as soon as reasonably possible after the discovery of the security compromise.

#### 5. **RIGHT OF ACCESS**

- 5.1 The parties have the right to request from each other a record and/or description of the personal information held by the other party as also a description of any third parties to whom this personal information has been given.
- 5.2 The above request must be made in terms of the procedures set out in Section 53 of the Promotion of Access to Information Act (PAIA.)
- 5.3 A copy of the Company's PAIA Manual is available on request.

**SIGNED at PORT ELIZABETH on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

**AS WITNESSES:**

1. ....

2. ....

\_\_\_\_\_  
For and on behalf of the **Company**  
who warrants his/her authority

**SIGNED at PORT ELIZABETH on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

**AS WITNESSES:**

1. ....

2. ....

\_\_\_\_\_  
For and on behalf of the **Service  
Provider** who warrants his/her  
authority

**Schedule 1**

**Services** refers to the provision by the Service Provider of legal services, including but not limited to:

- a. General legal advice;
- b. Provision of legal opinions;
- c. Legal representation on behalf of the Company at all relevant Bargaining Councils, Tribunals, Labour Court, High Court and Magistrate's Court

**OBJECTION TO PROCESSING OF PERSONAL INFORMATION**

\_\_\_\_\_, with identification number/Company registration  
\_\_\_\_\_ hereby objects to the Company processing his/her/its personal  
information.

The personal information to which this objection relates is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The reason/s for the objection to the processing of the abovementioned personal information  
is/are the following

\_\_\_\_\_  
\_\_\_\_\_

The data subject acknowledges and understands that he/she/it cannot object to the processing  
of personal information where such processing is required in terms of an obligation imposed by  
operation of law.

Signed at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

Data subject: \_\_\_\_\_

Company  
Representative: \_\_\_\_\_

## 6. ROLLOUT AND IMPLEMENTATION

The Information Officer (IO) should delegate equivalent duties to a number of Deputy Information Officers (DIO).<sup>1</sup>

### 6.1 Impact Assessment

In order to determine whether personal information processed by the Company complies with the conditions, an impact assessment must be performed and the findings of this assessment recorded on the Assessment Matrix.<sup>2</sup>

As part of the Company's efforts to ensure POPI compliance, the IO and DIOs should ensure that the following steps and/or measures have been taken and/or will be taken:

- All employees, clients, customers, suppliers and service providers should be notified by the Company of<sup>3</sup>:
  - The nature of their personal information processed by the Company;
  - The purpose for which this personal information was collected;
  - The extent to which the personal information will be processed;
  - That the personal information will be transferred further than South Africa's borders.
- An assessment of all personal information retained by the Company should be performed.<sup>4</sup>

### 6.2 Record of Findings

- In conducting this assessment the IO and DIO should determine:
  - the nature of the personal information collected
  - the source of the personal information
  - Whether the data subject has been notified that the Company retains their personal information;
  - The period for which the personal information will be retained;
  - The manner in which the personal information is stored by the Company

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<sup>1</sup> Form A2

<sup>2</sup> Form 2

<sup>3</sup> Forms 1A-1C

<sup>4</sup> Findings to be recorded on Form 2



- The manner in which the personal information will be destroyed.
- The findings of this assessment should be recorded on the Matrix<sup>5</sup> and any risks that may exist in relation to the above determination should be recorded in order that this risk may be eliminated.
- Records should be signed with all persons/entities with whom the Company shares personal information, guaranteeing the privacy of the information shared.<sup>6</sup>
- The contracts of employment of new employees should include an acknowledgement by the employee of the nature and extent to which their personal information is processed.<sup>7</sup>
- The Company should amend all information recording sheets to include a description of the purpose for the collection of that information, examples of this include:
  - Attendance registers;
  - COVID-19 screening forms;
  - Job application forms;
  - Vendor application forms;
- The Company's IT Department and internet service provider must ensure that the personal information retained by the Company is protected and only accessible by authorised personnel. In this regard the following risk-prone areas should be investigated:
  - Company supplied laptops and cell phones
  - Photocopiers and printers supplied by third parties where these machines store scanned and copied data
  - "Cookies" collected on the Company website and the manner in which these are utilised by the Company
  - Access to emails
  - Access to Company server
  - Security of information shared with third parties outside of South Africa's borders

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<sup>5</sup> Form 2

<sup>6</sup> Form 4

<sup>7</sup> Form 5

**MEASURES TO ENSURE COMPANY COMPLIANCE WITH POPI:**

<b><u>Objective</u></b>	<b><u>Means to achieve objective</u></b>	<b><u>Status/Notes Complete/Incomplete/Pending</u></b>
Register the head of Company as the Information Officer	Form A1	
Appoint POPI Compliance Committee and Deputy Information Officers	Form A2	
Notify all new and existing employees, applicants for employment, suppliers, service providers, clients and customers of their personal information processed by the Company and that it may be transferred across the borders of South Africa	Forms 1A-1C	
Sign Agreements with service providers, parties who process personal information for or on behalf of the Company or its employees.	Form 4	
Engage with Company IT Department to ensure that personal information is protected and only accessible by authorised personnel. Sign Agreement with external IT service providers	Form 4	
Perform impact assessment	<p>Analyse the personal information processed by the Company and ensure that it complies with the 8 lawful conditions for processing by taking the following steps:</p> <ul style="list-style-type: none"> <li>- Identify the categories of data subjects in terms of which personal information is processed</li> <li>- Identify the personal information processed in respect of each data subject</li> <li>- Determine the source of the personal information</li> </ul>	

	<ul style="list-style-type: none"> <li>- Where the personal information is not sourced from the data subject, ensure that the data subjected has given consent</li> <li>- Determine the purpose for which the personal information is processed</li> <li>- Ensure that the personal information has not been processed for any other purpose</li> <li>- Confirm that the data subject has been notified of the nature and extent to which their personal information is processed</li> <li>- Determine the retention period of the personal information</li> <li>- Ensure that any personal information that the Company is no longer required to retain is destroyed</li> <li>- Record the above findings (Form 2) in a manner which enables the Company to identify any gaps that may exist in relation to the processing of personal information.</li> <li>- Ensure measures are in place to close any identified gaps and mitigate any risk to the Company which may arise as a consequence of its processing of personal information.</li> </ul>
<p>Conduct training sessions with those employees who process personal information to ensure the lawful processing of information</p>	<p>Training attendance registers</p>