



# Frankwen Forge (Pty) Ltd.

Company Registration No.1971/010346/07 Vat no: 4730156397

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## POPIA POLICY MANUAL AND STATEMENT

<b>Subject</b>	POPIA Policy Manual and Statement	<b>Document No.</b>	IRLS001
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<b>Compiler(s)</b>	Frankwen Forge		

**POLICY STATEMENT AND MANUAL**

in compliance with

## **PROTECTION OF PERSONAL INFORMATION ACT, 4 of 2013 (“POPIA”)**

### **1. INTRODUCTION AND PURPOSE**

- 1.1. The **Frankwen Forge Pty (Ltd)** (hereafter “Employer” or “the Company”) is a key manufacturing and engineering business that services multitude of industries, including the mining, petrochemical, power and general engineering industries.
- 1.2. At industry level, Frankwen Forge produces forgings from 5kg to 10 tons in weight; working with various materials including carbon steel, aluminium, copper, low to medium alloys, austenitic, martensitic and stainless steel; Frankwen Forge also offers a range of heat treatment services and straightening facilities.
- 1.3. The company provides forgings; heat treatment and straightening services.
- 1.4. Frankwen Forge Pty (Ltd) is obligated to comply with The Protection of Personal Information Act, 4 of 2013 (hereafter “POPIA”).
- 1.5. POPIA requires the Company to inform the “Data Subject”, defined by Section 1 of POPIA, as to the manner in which their personal information is used, protected, disclosed and destroyed.
- 1.6. The Company guarantees its commitment to protecting the Data Subject’s privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws of the Republic of South Africa.

- 1.7. This Policy sets out the manner in which the Company deals with the Data Subject's personal information and stipulating the purpose for which said information is used.
- 1.8. The Policy will be made available to Data Subjects by the Assistant Director of the Company on request by the Data Subject and stakeholders.
- 1.9. The purpose of this policy is to inform the Data Subject and enable the Company to comply with:
- The laws in respect of personal information that the Company holds in respect of Data Subjects;
  - Follow good practice;
  - Protect the Company's reputation;
  - Protect the Company from the consequences of a breach of its responsibilities; and
  - Protect the Data Subject against loss or breach of their personal information.

## **2. BACKGROUND AND SCOPE**

- 2.1. The purpose of POPIA is to regulate the processing, storage and dissemination of personal information by public and private bodies so as to ensure the right of Data Subjects to the privacy of their Personal Information. This policy applies to information relating to identifiable Data Subjects in terms of POPIA.
- 2.2. Personal information may only be processed if the process meets the conditions of the Act. There are eight distinct conditions which organisations need to meet to be acting lawfully:

- Accountability
- Processing limitation
- Purpose specification
- Use limitation
- Information quality
- Openness
- Security safeguards
- Individual/data subject participation

2.3. The Policy applies to all employees, directors, sub-contractors, agents, and appointees of the Company. The provisions of the Policy are applicable to both on and off-site processing of personal information.

### **3. POLICY STATEMENT**

The Company collects and uses Personal Information of employees, individuals and corporate entities with whom it works, in order to operate and carry out its business effectively. The Company regards the lawful and appropriate processing of all Personal Information as crucial to successful service delivery and essential to maintaining confidence between the Company and its stakeholders. The Company therefore fully endorses and adheres to the principles of POPIA.

#### 4. DEFENITIONS

- 4.1. **Consent** means the voluntary, specific and informed expression of will;
- 4.2. **Child** means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself; The Company will from time to time have to process Personal Information of a child who may belong to a Data Subject, for amongst other reasons employment and benefit related purposes, which use will require the competent person's consent.
- 4.3. **Competent person** means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
- 4.4. **Data Subject** means the natural or juristic person to whom the Personal Information relates;
- 4.5. **Direct Marketing** means approaching a Data Subject personally for the purpose of selling them a product or service, or requesting a donation or sponsorship;
- 4.6. **Information Officer** means, in relation to the Company, the head of the Company as contemplated in Section 1 of the Promotion of Access to Information Act, being the Company's CEO.
- 4.7. **POPIA** means the Protection of Personal Information Act, No. 4 of 2013;
- 4.8. **Personal Information** means information relating to an unidentifiable, living, natural person, or an identifiable, existing juristic person, as defined in Section 1 of POPIA and includes information relating to:
- Race, gender, sex, pregnancy, marital status, mental health, well-being, disability, religion, belief, culture, language and birth;

- Education, medical, financial, criminal or employment;
- Identity number, electronic and physical addresses, telephone numbers and on-line identifiers;
- Biometric information;
- Personal opinions, views or preferences; and
- Correspondence sent by a person implicitly or explicitly of a personal nature or confidential.

4.9. **Processing** means an operation or activity, whether or not by automatic means, concerning Personal Information, including:

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information.

4.10. **Record** means any recorded information-

- (a) regardless of form or medium, including any of the following:
  - (i) writing of any material;
  - (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;

- (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
  - (iv) book, map, plan, graph or drawing;
  - (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- (b) in the possession or under the control of a responsible party;
  - (c) whether or not it was created by a responsible party and
  - (d) regardless of when it came into existence.

4.11. **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.

4.12. **Special Personal Information** means information relating to

- (a) the religious, philosophical, or political beliefs of the Data Subject;
- (b) The race or ethnic origin of the Data Subject;
- (c) Trade union membership of a Data Subject;
- (d) Health or sex life of a Data Subject;
- (e) The biometric information (including blood type, fingerprints, DNA, retinal scanning, voice recognition, photographs) of a Data Subject;
- (f) The criminal behaviour and records of a Data Subject; and
- (g) Any information concerning a child.

**5. PROCESSING PERSONAL INFORMATION**

5.1. Purpose of Processing

The Company uses the Personal Information under its care in the following ways:

- (i) Administration of agreements;
- (ii) Providing products and services to customers;
- (iii) Detecting and prevention of fraud, crime, money laundering and other malpractice;
- (iv) Marketing and sales;
- (v) In connection with legal proceedings;
- (vi) Staff administration and employment legislation compliance;
- (vii) To obtain feedback on our products and services;
- (viii) To update records and keep contact details;
- (ix) Keeping of accounts and records; and
- (x) Complying with legal and regulatory requirements.

5.2. Categories of Data Subjects and their Personal Information

5.2.1. The Company may possess records relating to suppliers, shareholders, contractor service providers, staff and customers:

<b>Entity Type</b>	<b>Personal Information Processed</b>
Customers: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information;



	nationality; gender; confidential correspondence
Customers: Juristic Persons / Entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; B-BBEE information
Contracted Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Employees / Directors	Gender; pregnancy; marital status; colour, race; age; language; education information; financial information; employment history; ID number; physical and postal address; contact details; opinions; criminal record; well-being

5.2.2. The Company may possess Special Personal Information relating to staff members concerning their membership of trade unions, and medical information contained in medical assessment reports relating to Occupational Health and Safety and other medical information in the form of medical certificates from registered medical practitioners.

### **5.3. Categories of Recipients for Processing of Personal Information**

5.3.1 The Company may supply the Personal Information to any party to whom the Company may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Conducting due diligence checks;
- Administration of the Medical Aid and Pension Schemes; and
- Accounting services.

5.3.2 Furthermore, the Company may supply Personal Information to anybody enacted in terms of the laws of the republic of South Africa and in terms of which laws the Company is obligated to share such information, which may include but is not limited to The South African Revenue Service, The Department of Employment and Labour, the Unemployment Insurance Fund, the Bargaining Council and The Industries Benefit Administrator if any.

#### **5.4. Actual or Planned Transborder Flows of Personal Information**

Personal Information may be transmitted transborder to the Company's authorised service providers or suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. The Company will endeavour to ensure that its service providers or suppliers will make all reasonable efforts to secure said data and Personal Information.

#### **5.5. Retention of Personal Information Records**

The Company may retain Personal Information records indefinitely, unless the Data Subject objects thereto. If the Data Subject objects to indefinite retention of its Personal Information, the Company shall retain the Personal Information records to the extent permitted or required by law.

#### **5.6. General Description of Information Security Measures**

The Company employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control; and
- Secure setup of hardware and software making up the IT infrastructure.

## **6. ACCESS TO PERSONAL INFORMATION**

All individuals and entities may request access, amendment, or deletion of their own Personal Information held by the Company, subject to relevant legislation. Any requests should be directed, on the prescribed form, to the Information Officer or his/her Deputy Information Officer (The prescribed form, as per Government Gazette 42110 of 14 December 2018 is attached hereto as Annexure A).

### **6.1. Remedies available if request for access to Personal Information is refused**

#### *6.1.1. Internal Remedies*

The Company does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

#### *6.1.2. External Remedies*

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may lodge a complaint with the Information Regulator in terms of Chapter 10 of POPIA.

#### *6.1.3. Grounds for Refusal*

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse access include:

- (i) Protecting personal information that the Company holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;

- (ii) Protecting commercial information that the Company holds about a third party or the Company (for example trade secret: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- (iii) If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- (iv) If disclosure of the record would endanger the life or physical safety of an individual;
- (v) If disclosure of the record would prejudice or impair the security of property or means of transport;
- (vi) If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- (vii) If disclosure of the record would prejudice or impair the protection of the safety of the public;
- (viii) The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- (ix) Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Company;
- (x) Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- (xi) The record is a computer programme; and

- (xii) The record contains information about research being carried out or about to be carried out on behalf of a third party or the Company.

## **6.2. Records that cannot be found or do not exist**

If the Company has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

## **7. IMPLEMENTATION GUIDELINES**

### *7.1. Training & Dissemination of Information*

- (i) This Policy has been put in place throughout the Company, training on the Policy and POPIA will take place with all affected employees.
- (ii) All new employees will be made aware at induction, or through training programmes, of their responsibilities under the terms of this Policy and POPIA.
- (iii) Modifications and updates to data protection and information sharing policies, legislation, or guidelines will be brought to the attention of all staff.

### *7.2. Employee Contracts*

Each new and existing employee will sign an Addendum to the existing Employment Contract containing the relevant consent clauses for the use and storage of employee information, and acknowledgment of policy (Annexures B and C), and will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information, however it is stored. Failure to comply will result in the instigation of a disciplinary procedure.

## **8. EIGHT PROCESSING CONDITIONS**

POPIA is implemented by abiding by eight processing conditions. The Company shall abide by these principles in all its processing activities.

### *8.1. Accountability*

The Company shall ensure that all processing conditions, as set out in POPIA, are complied with when determining the purpose and means of processing Personal Information and during the processing itself. The Company shall remain liable for compliance with these conditions, even if it has outsourced its processing activities.

### **8.2. Processing Limitation**

#### *8.2.1. Lawful grounds*

(a) The processing of Personal Information is only lawful if, given the purpose of processing, the information is adequate, relevant and not excessive. The Company may only process Personal Information if one of the following grounds of lawful processing exists:

- (i) The Data Subject consents to the processing;
- (ii) Processing is necessary for the conclusion or performance of a contract with the Data Subject;
- (iii) Processing complies with a legal responsibility imposed on the Company;
- (iv) Processing protects a legitimate interest of the Data Subject and
- (v) Processing is necessary for pursuance of a legitimate interest of the Company, or a third party to whom the information is supplied.

(b) The Company may only process Special Personal Information under the following circumstances:

- (vi) The Data Subject has consented to such processing;

- (vii) The Special Personal Information was deliberately made public by the Data Subject;
  - (viii) Processing is necessary for the establishment of a right or defence in law;
  - (ix) Processing is for historical, statistical, or research reasons; and
  - (x) If processing of race or ethnic origin is in order to comply with employment equity laws.
- (c) All Data Subjects have the right to refuse or withdraw their consent to the processing of their Personal Information, and a Data Subject may object, at any time, to the processing of their Personal Information on any of the above grounds, unless legislation provides for such processing. If the Data subject withdraws consent or objects to processing then The Company shall forthwith refrain from processing the Personal Information.

#### *8.2.2. Collection directly from the Data Subject*

Personal Information must be collected directly from the Data Subject, unless:

- (a) Personal Information is contained in a public record;
- (b) Personal Information has been deliberately made public by the Data Subject;
- (c) Personal Information is collected from another source with the Data Subject's consent;
- (d) Collection of Personal Information from another source would not prejudice the Data Subject;
- (e) Collection of Personal Information from another source is necessary to maintain, comply with or exercise any law or legal right;
- (f) Collection from the Data Subject would prejudice the lawful purpose of collection; and
- (g) Collection from the Data Subject is not reasonably practicable.



### **8.3. Purpose Specification**

The Company shall only process Personal Information for the specific purposes as set out and defined above at paragraph 5.1.

### **8.4. Further Processing**

New processing activities must be compatible with original purpose of processing. Further processing will be regarded as compatible with the purpose of collection if:

- (a) Data Subject has consented to the further processing;
- (b) Personal Information is contained in a public record;
- (c) Personal Information has been deliberately made public by the Data Subject;
- (d) Further processing is necessary to maintain, comply with or exercise any law or legal right;
- (e) Further processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the Data Subject or a third party

### **8.5. Information Quality**

8.5.1. The Company shall take reasonable steps to ensure that Personal Information is complete, accurate, not misleading and updated. The Company shall periodically review Data Subject records to ensure that the Personal Information is still valid and correct.

8.5.2. Employees should as far as reasonably practicably follow the following guidance when collecting Personal Information:

- (a) Personal Information should be dated when received;
- (b) A record should be kept of where the Personal Information was obtained;
- (c) Changed to information records should be dated;

- (d) Irrelevant or unneeded Personal Information should be deleted or destroyed; and
- (e) Personal Information should be stored securely, either on a secure electronic database or in a secure physical filing system.

## **8.6. Openness**

8.6.1. The Company shall take reasonable steps to ensure that the Data Subject is made aware of:

- (a) What Personal Information is collected, and the source of the information;
- (b) The purpose of collection and processing;
- (c) Where the supply of Personal Information is voluntary or mandatory, and the consequences of a failure to provide such information;
- (d) Whether collection is in terms of any law requiring such collection;
- (e) Whether the Personal Information shall be shared with any third party; and
- (f) If such Personal Information is to be shared with a third party, obtain the Data Subject's consent to share such Personal Information, save for instances where the Company is legally obliged to share the Personal Information.

## **8.7. Data Subject Participation**

8.7.1. The Data Subject has the right to request access to, amendment, or deletion of their Personal Information.

8.7.2. All such requests must be submitted in writing to the Information Officer in the prescribed form, Annexure A.

8.7.3. Unless there are grounds for refusal as set out in paragraph 6.2, above, the Company shall disclose the requested Personal Information:

- (a) On receipt of adequate proof of identity from the Data Subject, or requester;
- (b) Within a reasonable time;
- (c) On receipt of the prescribed fee, if any; and
- (d) In a reasonable format.

8.7.4. The Company shall not disclose any Personal Information to any party unless the identity of the requester has been verified.

## 8.8. **Security Safeguards**

8.8.1. The Company shall ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:

- (a) Identify all reasonably foreseeable risks to information security; and
- (b) Establish and maintain appropriate safeguards against such risks.

### 8.8.2. *Written records*

- (a) Personal Information records should be kept in locked cabinets, or safes;
- (b) When in use Personal Information records should not be left unattended in areas where non-staff members or unauthorised staff members may access them;
- (c) The Company shall implement and maintain a “Clean Desk Policy” where all employees shall be required to clear their desks of all Personal Information when leaving their desks for any length of time and at the end of the day;
- (d) Personal Information which is no longer required should be disposed of by shredding or incineration; and

- (e) Any loss or theft of, or unauthorised access to, Personal Information must be immediately reported to the Information Officer.

#### 8.8.3. *Electronic Records*

- (a) All electronically held Personal Information must be saved in a secure database;
- (b) As far as reasonably practicable, no Personal Information should be saved on individual computers, laptops or hand-held devices;
- (c) All computers, laptops and hand-held devices should be access protected with a password, fingerprint or retina scan, with the password being of reasonable complexity and changed frequently;
- (d) The Company shall implement and maintain a “Clean Screen Policy” where all employees shall be required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day; and
- (e) Electronic Personal Information which is no longer required must be deleted from the individual laptop or computer and the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable.

8.8.4. Any loss or theft of computers, laptops or other devices which may contain Personal Information must be immediately reported to the Information Officer, who shall notify the IT department, who shall take all necessary steps to remotely delete the information, if possible.

## **9. DIRECT MARKETING**

9.1. All Direct Marketing communications shall contain The Company's, and/or the Company's details, and an address or method for the customer to opt-out of receiving further marketing communication.

### *9.1.1. Existing Customers*

(a) Direct Marketing by electronic means to existing customers is only permitted:

(i) If the customer's details were obtained in the context of a sale or service; and

(ii) For the purpose of marketing the same or similar products.

(b) The customer must be given the opportunity to opt-out of receiving direct marketing on each occasion of direct marketing.

### *9.1.2. Consent*

The Company may send electronic Direct Marketing communication to Data Subjects who have consented to receiving it. The Company may approach a Data Subject for consent only once.

### *9.1.3. Record Keeping*

The Company shall keep record of:

(i) Date of consent;

(ii) Wording of the consent;

(iii) Who obtained the consent;

(iv) Proof of opportunity to opt-out on each marketing contact; and

(v) Record of opt-outs.

## 10. DESTRUCTION OF DOCUMENTS

- 10.1. Documents may be destroyed after the termination of the retention period specified herein, or as determined by the Company from time to time.
- 10.2. Each department is responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis and in accordance with this Policy.
- 10.3. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by the Company pending such return.
- 10.4. The physical documents must be destroyed beyond reconstruction.
- 10.5. Deletion of electronic records must be done in consultation with the IT Department, to ensure that deleted information is incapable of being reconstructed and/or recovered.

## 11. STATUTORY RETENTION PERIODS

<b>Legislation</b>	<b>Document Type</b>	<b>Period</b>
<b>Companies Act</b>	Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;  Notice and minutes of all Council Meetings, including resolutions adopted and documents made available to Council Members and Associations;  Copies of reports presented at the annual general meeting of the company;	7 Years

	<p>Copies of annual financial statements required by the Act;</p> <p>Copies of accounting records as required by the Act;</p> <p>Record of directors and past directors, after the director has retired or resigned from the company;</p> <p>Written communication to Council Representatives; and</p> <p>Minutes and resolutions of Board Meetings or any other directors' meetings, and meetings of Board Committees, i.e. audit committee.</p>	
	<p>Registration certificate;</p> <p>Memorandum of Incorporation and alterations and amendments;</p> <p>Rules;</p> <p>Securities register and uncertified securities register; and</p> <p>Register of company secretary and auditors.</p>	Indefinitely
<b>Consumer Protection Act</b>	<p>Full names, physical address, postal address and contact details;</p> <p>ID number and registration number;</p> <p>Contact details of public officer in case of a juristic person;</p> <p>Service rendered;</p> <p>Cost to be recovered from the consumer;</p> <p>Frequency of accounting to the consumer;</p> <p>Amounts, sums, values, charges, fees, remuneration</p>	3 Years

	<p>specified in monetary terms; and</p> <p>Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions.</p>	
<p><b>Financial Intelligence Centre Act</b></p>	<p>Whenever a reportable transaction is concluded with a customer, the institution must keep record of the identity of the customer;</p> <p>If the customer is acting on behalf of another person, the identity of the person on whose behalf the customer is acting and the customer's authority to act on behalf of that other person;</p> <p>If another person is acting on behalf of the customer, the identity of that person and that other person's authority to act on behalf of the customer;</p> <p>The manner in which the identity of the persons referred to above was established;</p> <p>The nature of that business relationship or transaction;</p> <p>In the case of a transaction, the amount involved and the parties to that transaction;</p> <p>All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;</p> <p>The name of the person who obtained the identity of the person transacting on behalf of the accountable institution; and</p> <p>Any document or copy of a document obtained by the accountable institution.</p>	<p>5 Years</p>



<b>Compensation for Occupational Injuries and Diseases Act</b>	Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.	4 Years
	Section 20(2) documents: -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; and -Records of incidents reported at work.	3 Years
	Asbestos Regulations, 2001, regulation 16(1): -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. Lead Regulations, 2001, Regulation 10: -Records of assessments and air monitoring; -Medical surveillance records Noise - induced Hearing Loss Regulations, 2003, Regulation 11: -All records of assessment and noise monitoring; and -All medical surveillance records, including the baseline audiogram of every employee.	40 Years

	<p>Hazardous Chemical Substance Regulations, 1995, Regulation 9:</p> <ul style="list-style-type: none"> <li>-Records of assessments and air monitoring; and</li> <li>-Medical surveillance records</li> </ul>	30 Years
<b>Basic Conditions of Employment Act</b>	<p>Section 29(4):</p> <ul style="list-style-type: none"> <li>-Written particulars of an employee after termination of employment;</li> </ul> <p>Section 31:</p> <ul style="list-style-type: none"> <li>-Employee's name and occupation;</li> <li>-Time worked by each employee;</li> <li>-Remuneration paid to each employee; and</li> <li>-Date of birth of any employee under the age of 18 years.</li> </ul>	3 Years
<b>Employment Equity Act</b>	<p>Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act; and</p> <p>Section 21 report which is sent to the Director General.</p>	3 Years
<b>Labour Relations Act</b>	<p>Records to be retained by the employer are the collective agreements and arbitration awards.</p>	3 Years
	<p>An employer must retain prescribed details of any strike, lock-out or protest action involving its employees; and</p> <p>Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions.</p>	Indefinitely

<b>Unemployment Insurance Act</b>	Employers must retain personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed.	5 Years
<b>Tax Administration Act</b>	Section 29 documents which: -Enable a person to observe the requirements of the Act; -Are specifically required under a Tax Act by the Commissioner by the public notice; and -Will enable SARS to be satisfied that the person has observed these requirements.	5 Years
<b>Income Tax Act</b>	Amount of remuneration paid or due by him to the employee;  The amount of employee's tax deducted or withheld from the remuneration paid or due;  The income tax reference number of that employee;  Any further prescribed information; and  Employer Reconciliation Return.	5 Years
<b>Value Added Tax Act</b>	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;	5 Years

	<p>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;</p> <p>Documentary proof substantiating the zero rating of supplies; and</p> <p>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.</p>	
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## **Annexure F: Client / Supplier Consent Form**

### **PRIVACY NOTICE AND INFORMED CONSENT NOTICE**

#### **CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)**

1.1. This Informed Consent Notice will apply to (the “Company” / “Responsible Party”), and to you / the Data Subject, and / or your / the Data Subject’s Personal Information which is processed or may be processed by the Company including any processing of your / the Data Subject’s Personal Information by any Operators duly appointed by the Company.

1.2. The Protection of Personal Information Act, 4 of 2013, (“POPIA”) regulates and controls the processing, including the collection, use, and transfer of a person’s personal information.

1.3. In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another’s (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and processing conditions set out under POPIA.

1.4. Furthermore, unless the processing is –

- Necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party; or
- required and complies with an obligation imposed by law on either the Data Subject or the Responsible Party; or
- necessary to protect the legitimate interest(s) of the Data Subject or the Responsible Party; or
- necessary for the proper performance of a public law duty by a public body; or
- necessary for pursuing the Data Subject or the Responsible Party’s legitimate interests, or that of a third party to whom the Personal Information is supplied.

all processing of a Data Subject’s Personal Information must be done with the Data Subject’s permission—i.e. the Data Subject has to consent to the processing of its Personal Information.

1.5. The Company does and will from time to time process Personal Information which belongs or is held by a Data Subject.

1.6. Following this, in order to comply with POPIA, the Company, in its capacity as the Responsible Party, requires the Data Subject’s permission to process its/his/her Personal Information.

2. In order to understand the implications of this document and the objectives of POPIA the reader is to take note of the following explanatory notes and definitions, which will be used throughout this Informed Consent Notice and which may be used in the interpretation of this document:

**Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information; All Personal Information which the Data Subject provides to the Company will be subject to this Informed Consent Notice and when / by providing the Company with your / the Data Subject’s Personal Information, you / the Data Subject gives the Company your / the Data Subject’s implied consent to use the Data Subject’s Personal Information in accordance with this Informed Consent Notice.

**Data Subject** means you, the person who will provide the Company or its Operator(s) with Personal Information and who consents when providing such Personal Information, to the Company’s use thereof in accordance with this Informed Consent Notice; A Data Subject will include you, / the Data Subject, the reader of this consent, who will be providing the Company with your/ or your business’s / the Data Subject’s Personal Information and which you and your business, / the Data Subject by virtue of you / the Data Subject providing such Personal Information to the Company, give the Company the required consent to use the Personal Information, in accordance with this Informed Consent Notice.

**Operator** means a natural person or a juristic person who processes a Data Subject’s Personal Information on behalf of the Company in terms of a contract or mandate, without coming under the direct authority of the Company. The Company, in order to pursue and protect its legitimate interests and in many cases to protect the Data Subject, will under a written contract ask Operators to process certain categories of the Data Subject’s Personal Information on its behalf including without detracting from the generality thereof, insurance benefits/cover providers, Auditors, Legal Practitioners, and Government and Provincial Departments.

**Person** means a natural person or a juristic person;

**Personal Information** means information relating to any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, including, but not limited to:

(i) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience belief, culture, language and birth of the person; The Company will need to process this information of all potential and actual sole proprietors, individual service providers who intend or do provide products and services to the Company for security, business and contractual related purposes, and of all potential and actual customers and consumers and / or beneficiaries, who intend or do use the Company’s products and services for security, business, contractual and marketing and promotional related purposes, and will need to process this information of persons who ask the Company for information or in order for the Company to reply to any query or request made by such person / entity.

(ii) information relating to the financial, criminal or employment history of the person; The Company will need to process this information relating of all potential and actual sole proprietors and individual service

providers who intend or do provide products and services to the Company for security, business and contractual related purposes or who apply for any form of credit. The Company will also need to process this information of all potential and actual service providers who are legal entities, who intend or do provide products and services to the Company for security, business and contractual related purposes.

(iii) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; The Company will need to process all Data Subjects' identity or registration numbers, e-mail address, physical and postal address, telephone and contact numbers, location information, and other required identifiers pertaining to a Data Subject from time to time for security, employment, business, marketing, promotional and contractual related purposes or in order for the Company to attend to a person's request, or enquiry for information, including any person or Data Subject who applies for credit or assistance of any kind.

(iv) the personal opinions, views or preferences of the person; The Company may from time to time make use of personal opinions, views or preferences of a Data Subject for business, sponsorship, funding, marketing, and promotional, security, employment, and / or contractual purposes.

(v) 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; The Company may from time to time make use of private or confidential correspondence received from a Data Subject for business, investigative and / or security purposes as well as for employment, or contractual purposes.

(vi) the views or opinions of another individual about the person; and The Company may from time to time make use of views or opinions of another individual about the Data Subject for business, marketing, promotional, security, employment, or contractual purposes.

(vii) 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;

**Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including

(i) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (ii) dissemination by means of transmission, distribution or making available in any other form;

(ii) merging, linking, as well as restriction, degradation, erasure or destruction of information;

(iii) sharing with, transfer and further processing, to and with such information.

**Record** means any recorded information regardless of form or medium, including any of the following:

(i) Writing on any material; information produced, recorded or stored by means of any tape-recorded, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; book, map, plan, graph or drawing; photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

(ii) in the possession or under the control of a responsible party;

(iii) whether or not it was created by a responsible party; and

(iv) regardless of when it came into existence;

The Company and its Operators will from time to time process Personal Information pertaining to a Data Subject for business, marketing, promotional, investigations, security, employment, and contractual purposes. All Personal Information processed by the Company and its Operators will be housed under a record.

**Responsible party** means the Company including without detracting from the generality thereof, its directors, management, executives, HR practitioners, payroll department, internal auditors, legal practitioner and compliance officers, company secretary, and all other employees and Operators who need to process a Data Subject's personal Information for the Company's business purposes.

**Special Personal information** includes any information relating to an individual's Ethnicity, Gender, Religious or other beliefs, Political opinions, Membership of a trade union, Sexual orientation, Medical history, Offences committed or alleged to have been committed by that individual, Biometric details, and Children's details; The Company and its Operators will from time to time process Special Personal Information pertaining to you / a Data Subject for business, security, employment, and contractual purposes.

**You** means the person who is reading this Informed consent notice, namely the Data Subject, who by providing the Company with your Personal Information, gives the Company and its Operators consent to use and process your Personal Information in accordance with the provisions of this Informed Consent Notice and the word "your/yours" bears a corresponding meaning as the context may indicate.

**3. PURPOSE OF COLLECTION** In order for the Company to pursue its business objectives and strategies, the Company needs to process the Data Subject's Personal Information, which Personal Information will be used for a number of legitimate purposes, including, *inter alia*, the following:

3.1. for the purposes of complying with a variety of lawful obligations, including without detracting from the generality thereof: Administrative laws, Company laws, Corporate governance codes, Communication laws,

Customs and Excise laws, Environmental laws, Financial and Tax laws, Health and Safety laws, Consumer laws, and Labour and Employment laws.

3.2. for the purposes of carrying out actions for the conclusion and performance of a contract as between the Company and yourself / the Data Subject;

3.3. for the purposes of protecting you/ the Data Subject's and/or the Company's legitimate interest(s) including the performance of risk assessments and risk profiles;

3.4. where required by law or company policy receiving from or providing to any credit bureau or credit provider or credit association information about your / the Data Subject's credit record, including personal information about any judgement or default history;

3.5. for the purposes of any proposed or actual merger, acquisition or any form of sale of some or all the Company's assets, providing your / the Data Subject's Personal Information to third parties in connection with the evaluation of the transaction and related due diligence procedures;

3.6. for the purposes of making contact with you / the Data Subject and attending to your / the Data Subject's enquiries and requests;

3.7. for the purpose of providing you/ the Data Subject from time to time with information pertaining to the Company, its directors, employees, services and goods and other ad hoc business-related information. Should you / the Data Subject **not want to receive these specific communications please specifically decline the opportunity by ticking here:**

3.8. for academic research and statistical analysis purposes, including data analysis, testing, research and product development and product review purposes;

3.9. for the purposes of pursuing your / the Data Subject's and / or the Company's legitimate interests, or that of a third party to whom the Personal Information is supplied;

3.10. for the purposes of providing, maintaining, and improving the Company's products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;

3.11. for the purposes of performing internal operations, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required;

3.12. for the purpose of preventing fraud and abuse of the Company's processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

You / the Data Subject agree that the Company may use all the Personal Information which you / the Data Subject provides to the Company which it requires for the purposes of pursuing its business objectives and strategies.

**The Company in turn undertakes that it will only use your/the Data Subject's Personal Information for the aforementioned purposes and for no other, unless with your / the Data Subject's prior permission.**

**4. CONSEQUENCES OF YOU WITHOLDING CONSENT OR PERSONAL INFORMATION** Should you/the Data Subject refuse to provide the Company with your Personal Information which is required by the Company for the purposes indicated above, and the required consent to process the aforementioned Personal Information, then the Company will be unable to engage with you/the Data Subject or enter into any agreement or relationship with you/ the Data Subject.

#### **5. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION**

5.1. Your/the Data Subject's Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within the Company on a need to know and business basis, save that where appropriate, some of your/the Data Subject's Personal Information may be retained in hard copy.

5.2. All Personal Information which you/the Data Subject provide to the Company will be held and/or stored securely. In this regard the Company undertakes to conduct regular audits regarding the safety and the security of your/the Data Subject's Personal Information.

5.3 Once your/the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for a period of 7 years, as per the requirements of the Companies Act, 71 of 2008 or longer should this be required by any other law applicable in South Africa. The Company thereafter will ensure that such Personal Information is permanently destroyed.

#### **6. ACCESS BY OTHERS AND CROSS BORDER TRANSFER**

6.1. The Company may from time to time have to disclose your / the Data Subject's Personal Information to other parties, including its group companies or subsidiaries, joint venture companies, client companies and entities, and or approved product or third party service providers, regulators and or governmental officials, overseas service providers and related companies or agents, but such disclosure will always be subject to an agreement which will be concluded as between the Company and the party to whom it is disclosing your/ the Data Subject's Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

6.2 Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, your / the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by POPIA.



**7. RIGHT TO OBJECT AND COMPLAINTS** You / the Data Subject is encouraged to make immediate contact with the Company Information Officer at any time if you are not comfortable or satisfied with the manner in which the Company is processing your / the Data Subject's Personal Information. On receipt of your / the Data Subject's objection the Company will place a hold on any further processing until the cause of the objection has been resolved. If you / the Data Subject is not satisfied with such process, you / the Data Subject has the right to lodge a complaint with the Information Regulator.

**8. ACCURACY OF INFORMATION AND ONUS** POPIA requires that all your / the Data Subject's Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst the Company will always use its best endeavours to ensure that your / the Data Subject's Personal Information is reliable, it will be your / the Data Subject's responsibility to advise the Company of any changes to your / the Data Subject's Personal Information, as and when these may occur.

**9. ACCESS TO THE INFORMATION BY THE DATA**

**SUBJECT** You / the Data Subject has the right at any time to ask the Company to provide you / the Data Subject with details of the Personal Information which the Company holds on your/ the Data Subject's behalf; and/or the purpose for which it has been used **provided that such request is made using the standard Section 51 PAIA process**, which procedure is contained in the Company's PAIA Manual and which can be provided to you on request

**10. AMENDMENTS AND BINDING ON SUCCESSORS**

**IN TITLE**

10.1. The Company reserves the right to amend this **Informed Consent Notice** from time to time, and the Company will inform you in writing of such changes.

10.2. The rights and obligations of the parties under this **Informed Consent Notice** will be binding on, and will be of benefit to, each of the parties' successors in title and / or assigns where applicable, i.e. in the case of a sale or transfer of business by the Data Subject to another.

**11. DECLARATION AND INFORMED CONSENT**

11.1. I/ the Data Subject confirm that my / the Data Subject's Personal Information, provided is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then in such an event, I/ the Data Subject undertake to advise the Company or its Operator (s) of these changes.

11.2. I, / the Data Subject, in providing the required Personal Information to the Company and / or to its Operator, consent and give the Company permission to process and further process my/the Data Subject's Personal Information as and where required and acknowledge that I/the Data Subject understand the purposes for which the Personal Information is required and for which it will be used.

12.3. Furthermore, should any of the Personal Information which has been provided by myself concern or pertain to a legal entity whom I represent, I confirm that I have the necessary authority to act on behalf of such legal entity/ Data Subject and that I have the right to provide the

Personal Information and / or the required consent to use said Personal Information, on behalf of the aforementioned legal entity.

12.4. Furthermore, should any of the Personal Information belong to any of my dependants and/or beneficiaries who are under age, I in my capacity as their legal guardian and competent person give the Company the appropriate permission to process their Personal Information for the purposes for which these details were given.

**Thus signed on this \_\_21\_\_ day of \_September\_\_\_\_\_ 2022 \_\_\_ in the presence of the undersigned witnesses:**

**WINESESSES:**

- 1. Allan Traube
- 2. Charlene Adolph

\_\_\_\_\_  
**Signed by /obo the Data Subject  
(Signature)**

\_\_\_\_\_  
\_Donovan Traube\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Name of Data subject if signed  
obo juristic person**

