



Partners in Logistics Management

## PROTECTION OF PERSONAL INFORMATION ACT, 4 of 2013: COMPANY POLICY

### TABLE OF CONTENTS

1. 1.DEFINITIONS.....	2
2. 2.PURPOSE .....	3
3. 3.SCOPE AND OBJECTIVE OF THE POLICY.....	3
4. 4.RIGHTS OF DATA SUBJECTS.....	3
5. 5. ACCOUNTABILITY .....	6
6. 6.PROCESSING LIMITATION.....	5
7. 7.PURPOSE SPECIFICATION .....	6
8. 8.FURTHER PROCESSING LIMITATION.....	7
9. 9.INFORMATION QUALITY.....	7
10. 10. OPENNESS .....	7
11. 11.SECURITY SAFEGUARDS.....	8
12. 12.DATA SUBJECT PARTICIPATION .....	9
13. 13.RETENTION OF PERSONAL INFORMATION RECORDS.....	9
14. 14.GENERAL DESCRIPTION OF INFORMATIONS SECURITY MEASURES.....	9
15. 15.ACCESS TO PERSONAL INFORMATION .....	10
16. 16.IMPLEMENTATION GUIDELINES:.....	11
17. 17.DIRECT MARKETING .....	11
18. 18.DESTRUCTION OF DOCUMENTS:.....	12
19. 19.INFORMATION OFFICER: .....	12
20. 20.EMPLOYEES AND OTHER PERSONS ACTING ON BEHALF OF AGRICOAL:.....	12
21. 21.DISCIPLINARY ACTION: .....	12
22. 22.STATUTORY RETENTION PERIODS.....	14

## 1. DEFINITIONS

- 1.1. **DATA SUBJECT** means the person to whom personal information relates to;
- 1.2. **POPIA** refers to the Protection of Personal Information Act 4 of 2013;
- 1.3. **PROCESSING** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:
  - a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - b) dissemination by means of transmission, distribution or making available in any other form; or
  - c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 1.4. **FURTHER PROCESSING** means processing personal information for a process other than what it was initially collected for.
- 1.5. **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 form 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.
- 1.6. **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. In this case, the responsible party will be AgriCoal
- 1.7. **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:
  - a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
  - b) information relating to the education or the medical, financial, criminal or employment history of the person;
  - c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - d) the biometric information of the person;
  - e) the personal opinions, views or preferences of the person;

- f) 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;
  - g) the views or opinions of another individual about the person and;
  - h) 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.
- 1.8 **INFORMATION OFFICER** means the person who is responsible for ensuring the AgriCoal’s compliance with POPIA. Tanya Fleischman was elected as the designated Information Officer. The Information Officer must be registered with the South African Information Regulator that has been established under POPIA prior to the commencement of his / her duties. AgriCoal has elected Magda Botha as Deputy Information Officer to assist the Information Officer with his / her duties.
- 1.9 **INFORMATION REGULATOR** means an independent board that has been established through POPIA to empower, enforce and monitor compliance. The Information Regulator is responsible for issuing codes of conduct for different sectors and to make guidelines that will assist bodies with the development and application of the codes of conduct.
- 1.10 **PUBLIC RECORD** means a record that is accessible in the public domain and which is in the possession of or under control of a public body, whether or not it was created by a public body.
- 1.11 **AGRIKOAL** means AgriCoal Logistics (Pty) Ltd whom in accordance to this policy is deemed the responsible party.

## 2. PURPOSE

- 2.1 The primary purpose of this policy is to provide guidance to Employees and temporary Employees with regards to requirements and guidelines of processing and storing data subject’s personal information.
- 2.2 Management will therefore ensure that each and every Employee carries out their duties in accordance with the guidelines and performs their duties in accordance with this policy and the procedures of the Protections of Personal Information Act, maintaining and undertaking to perform duties and instructions in line with the applicable South African Privacy Laws.
- 2.3 This document will therefore be of assistance in regulating the primary functionalities of balancing the right to privacy and the right to access of information. This policy will further assist employees to establish and understand the conditions that must be adhered to when processing and storing client’s personal information.
- 2.4 This document will further assist employees to help remedy any errors or mistakes that are made when processing personal information that is not in accordance with the Act.

## 3. SCOPE AND OBJECTIVE OF THE POLICY

- 3.1 This policy is applicable to all Employees of AgriCoal, including all Fixed Term- and / or temporary Employees.

## 4. RIGHTS OF DATA SUBJECTS

- 4.1 A Data subject has the right to have his / her / its personal information processed in accordance with the conditions for lawfully processing or personal information which includes the right to:
  - 4.1.1 Being notified when personal information is collected and when his / her / its personal information has been accessed or acquired by an unauthorised person;
  - 4.1.2 To establish whether a responsible party holds personal information of a specific data subject and to request access to his / her / its personal information;
  - 4.1.3 To request, where necessary, the correction, destruction or deletion of his / her / its personal information;
  - 4.1.4 To object, on reasonable grounds that relate to his / her / its particular situation to the procession of his / her / its personal information that has been provided;
  - 4.1.5 To object to the processing of his / her or its personal information being used for:
    - 4.1.5.1 Purposes of direct marketing; or
    - 4.1.5.2 Direct marketing by means of unsolicited electronic communications.
  - 4.1.6 To not have his, her or its personal information for purposes of direct marketing by means on unsolicited electronic communications;
  - 4.1.7 To not be subject, under certain circumstance, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person;
  - 4.1.8 To submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in the Act; and
  - 4.1.9 To institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information.

---

## CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

POPI is implemented by abiding by eight processing conditions. AgriCoal shall abide by these principles in all its processing activities.

### 5. ACCOUNTABILITY

- 5.1 AgriCoal's employees are to ensure that personal information is lawfully processed in accordance with POPIA at all times.
- 5.2 As the responsible party, AgriCoal is required to audit the processes used to collect, record, store, disseminate and destroy personal information. AgriCoal is to ensure the integrity and safekeeping of personal information that is in its possession or under its control.
- 5.3 AgriCoal is to take steps to prevent data subject's information from being lost, damaged or unlawfully accessed.
- 5.4 All employees of AgriCoal must ensure that all processing conditions under this heading are complied with when determining the purpose and means of processing Personal Information.

### 6. PROCESSING LIMITATION

- 6.1 Lawfulness of processing:
  - 6.1.1 Personal information must be processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject.
  - 6.1.2 Processing is deemed to be lawful only if it is given a purpose for processing, the information obtained is adequate, that the information obtained is relevant and not excessive.
  - 6.1.3 Personal Information may only be processed by AgriCoal if one of the following grounds of lawful processing exists:
    - 6.1.3.1 The Data Subject consents to the processing;
    - 6.1.3.2 Processing is necessary for the conclusion or performance of a contract (fee and mandate agreement) with the Data Subject;
    - 6.1.3.3 Processing complies with a legal responsibility imposed on AgriCoal;
    - 6.1.3.4 Processing protects a legitimate interest of the Data Subject;
    - 6.1.3.5 Processing is necessary for pursuance of a legitimate interest of AgriCoal or correspondent attorneys to whom the information is supplied too.
    - 6.1.3.6 Data subject consent is not required if it would prejudice a lawful process or if the information is contained in a public record.
- 6.2 Special Personal Information includes:
  - 6.2.1 Religious, philosophical or political beliefs;
  - 6.2.2 Race or ethnic origin;
  - 6.2.3 Trade union membership;
  - 6.2.4 Health or sex life;
  - 6.2.5 Biometric information (including but not limited to: blood type, fingerprints, DNA, retinal scanning, voice recognitions, photographs);
  - 6.2.6 Criminal behaviour;
  - 6.2.7 Information concerning a child.
- 6.3 AgriCoal may only process Special Personal Information under the following circumstances:

- 6.3.1 The Data Subject has consented to such processing;
  - 6.3.2 The Special Personal Information was deliberately made public by the Date Subject;
  - 6.3.3 Processing is necessary for the establishment of a right or defence in law;
  - 6.3.4 Processing is for historical, statistical or research reasons; and / or
  - 6.3.5 If the processing of race or ethnic origin, is in order to comply with the affirmative action laws.
- 6.4 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 AgriCoal, shall immediately refrain from processing the Personal Information.

## **7. PURPOSE SPECIFICATION**

- 7.1 Personal information must be collected for a specific, explicitly defined and lawful purpose related to a function or activity that AgriCoal renders.
- 7.2 AgriCoal is to ensure that the Data Subjects are aware of the purpose of the collection of the information that is being obtained.
- 7.3 The purposes for collecting Data Subjects Personal Information must remain within the ambient of the following:
- 7.3.1 Administration of agreements;
  - 7.3.2 Providing products and services to clients;
  - 7.3.3 Detecting and prevention of fraud, crime, money laundering and other malpractices (FICA);
  - 7.3.4 Conducting market and / customer satisfaction research (usually done on Social Media Platforms);
  - 7.3.5 In connection with any legal proceedings;
  - 7.3.6 Staff administration;
  - 7.3.7 Keeping of accounts and records;
  - 7.3.8 Complying with legal and regulatory requirements;
  - 7.3.9 Income Tax and VAT purposes; and
  - 7.3.10 Payroll purposes.
- 7.4 Retention and Restriction of Records:
- 7.4.1 Subject to the above and Annexure "A" of this policy, records of Personal Information must not be kept longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.
  - 7.4.2 Once the time periods have lapsed set out in Annexure "A", AgriCoal must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after AgriCoal is no longer authorised to retain the record in terms of Annexure "A".
  - 7.4.3 AgriCoal must ensure that the destruction or deletion of Personal Information must be done in a manner that prevents its reconstruction in an intelligible form.
  - 7.4.4 AgriCoal will keep personal information for a period of 5 (Five) years after date of the last business transaction.

## **8. FURTHER PROCESSING LIMITATION**

- 8.1 Further processing of Personal Information must be in accordance with or compatible with the purpose for which it was collected in its specific purpose.
- 8.2 In order to assess if further processing is compatible with the purpose of collection, AgriCoal must take into account the following:
  - 8.2.1 The relationship between the purpose of the intended further processing and the purpose for which the information has been collected;
  - 8.2.2 The nature of the information concerned;
  - 8.2.3 The consequences of the intended further processing for the data subject;
  - 8.2.4 The manner in which the information has been collected; and
  - 8.2.5 Any contractual rights and obligations between the parties.
- 8.3 Further processing of Personal Information is not incompatible with the purpose of collection if:
  - 8.3.1 The relationship between the purpose of the intended further processing and the purpose for which the information has been collected;
  - 8.3.2 The nature of the information concerned;
  - 8.3.3 The consequences of the intended further processing for the data subject;
  - 8.3.4 The manner in which the information has been collected; and
  - 8.3.5 Any contractual rights and obligations between the parties.
- 8.4 Further processing is necessary in the following instances:
  - 8.4.1 To avoid prejudice to the maintenance of the law by any public body including the prevention, detection, investigation, prosecution and punishment of offences;
  - 8.4.2 To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue;
  - 8.4.3 For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or
  - 8.4.4 Is the interest of national security.

## **9. INFORMATION QUALITY**

- 9.1 AgriCoal must take reasonable steps to ensure that the Personal Information obtained from Data Subjects is complete, accurate, not misleading and updated where necessary.
- 9.2 By taking the steps referred to in 9.1, AgriCoal must have regard to the purpose for which Personal Information is collected or further processed.
- 9.3 Employees should as far as reasonably practicably follow the following guidance when collection Personal Information:
  - 9.3.1 Personal Information should be dated when received;
  - 9.3.2 A record should be kept of where the Personal Information was obtained;
  - 9.3.3 Changes to information records should be dated;
  - 9.3.4 Irrelevant or unneeded Personal Information should be deleted or destroyed;
  - 9.3.5 Personal Information should be stored securely, either on a secure electronic database or in a secure physical filing system or both.

## **10. OPENNESS**

- 10.1 Documentation

- 10.1.1 Employees must maintain the documentation of all processing operations under its responsibility as referred under retention and restriction of records.
- 10.1.2 AgriCoal employees must take reasonable practical steps to ensure that the Data Subjects are aware of:
  - 10.1.2.1 The information being collected and where the information is not collected from the data subject, the source from which it is collected;
  - 10.1.2.2 The name and address of the AgriCoal;
  - 10.1.2.3 The purpose for which the information is being collected;
  - 10.1.2.4 Whether or not the supply of the information by that data subject is voluntary or mandatory;
  - 10.1.2.5 The consequences of failure to provide the information;
  - 10.1.2.6 Any particular law authorising or requiring the collection of the information;
  - 10.1.2.7 The fact that, where applicable, the AgriCoal intends to share 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;
  - 10.1.2.8 That the Data Subject has the right to access or rectify the information collected;
  - 10.1.2.9 That the Data Subject has the right to object to the processing of their Personal Information; and
  - 10.1.2.10 AgriCoal has the obligation to inform the Data Subject that should they be unhappy in the manner in which their Personal Information is being processed or stored that they have the right to lodge a complaint to the Information Regulator.

## **11. SECURITY SAFEGUARDS**

- 11.1 AgriCoal must ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:
  - 11.1.1 Identify all reasonably foreseeable risks to information security;
  - 11.1.2 Establish and maintain appropriate safeguards against such risks.
- 11.2 Written records:
  - 11.2.1 Personal Information records should be kept in locked cabinets or safes;
  - 11.2.2 When in use, Personal Information records should not be left unattended in areas where non-staff members may access these;
  - 11.2.3 AgriCoal 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;
  - 11.2.4 Personal Information which is no longer required should be disposed by shredding;
  - 11.2.5 All FICA documents must be uploaded onto the server and the hard copies must be stored away in an area whereby restricted access is enforced. Any loss, theft or unauthorised access to Personal Information must be immediately reported to the Information Officer.
- 11.3 Electronic Records:
  - 11.3.1 All electronically held Personal Information must be saved on the cloud server;
  - 11.3.2 As far as reasonably practical, no Personal Information should be saved on individual computers, laptops or hand-held devices that is not password protected;



- 11.3.3 All computers, laptops and hand-held devices should be access protected with a password, fingerprint, retina scan or facial recognition, with the password being of reasonable complexity and changed monthly;
- 11.3.4 AgriCoal shall implement a “Clean Screen Policy” where all employees shall be required to lock their computes or laptops when leaving their desks for any length of time and to log off at the end of each day;
- 11.3.5 Electronic Personal Information which is no longer required must be deleted from the individual laptop or computer and the relevant database. The employees must ensure that the information has been completely deleted and is not recoverable. 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 will then take all the necessary steps to remotely delete the information, if possible.

## **12. DATA SUBJECT PARTICIPATION**

- 12.1 Data Subjects have the right to request access to, amendment or deletion of their Personal Information.
- 12.2 All such requests must be submitted in writing to the Information Officer, AgriCoal shall disclose the requested Personal Information:
  - 12.2.1 On receipt of adequate proof of identity from the Data Subject or requestor;
  - 12.2.2 Within a reasonable time;
  - 12.2.3 On receipt of the prescribed fee, if any;
  - 12.2.4 In a reasonable format.

Personal Information shall not be disclosed to any party unless the identity of the requestor has been identified.

## **13. RETENTION OF PERSONAL INFORMATION RECORDS**

- 13.1 AgriCoal may not retain personal information records indefinitely, unless the Data Subject agrees thereto. Personal Information that is in the possession of AgriCoal shall retain the Personal Information records to the extent permitted or required by law. See Annexure “A”.

## **14. GENERAL DESCRIPTION OF INFORMATIONS SECURITY MEASURES**

- 14.1 AgriCoal employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its case. These measures include:
  - 14.1.1 Firewalls;
  - 14.1.2 Virus protection software and updated protocols;
  - 14.1.3 Logical and physical access control;
  - 14.1.4 Secure setup of hardware and software making up the IT infrastructure;
  - 14.1.5 Outsourced Service Providers who process Personal Information on behalf of AgriCoal are contracted to implement security controls.

## 15. ACCESS TO PERSONAL INFORMATION

- 15.1 All individuals and entities may request access, amendment or deletion of their own Personal Information held by AgriCoal Any requests should be directed, on the prescribed form (REQUEST FOR ACCESS TO RECORD – See Annexure “B”) to the Information Officer.
- 15.2 Remedies available if request for access to Personal Information is refused:
- 15.2.1 Internal Remedies:  
The Act does not provide any internal remedies should a request for Personal Information is made and is denied by the Information Officer. As such, the requestor must exercise external remedies at their disposal.
- 15.2.2 External Remedies:  
Should a requestor or third party be dissatisfied with the Information Officer’s refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.
- 15.3 An Information Officer may refuse the request to Personal Information on the following grounds:
- 15.3.1 Protecting Personal Information that AgriCoal holds about a third party (who is a natural person) including a deceased person, from unreasonable disclosure;
- 15.3.2 Protecting commercial information that AgriCoal holds about a third party or the “trade secrets” that could harm the commercial or financial interest of the organisation or the third party;
- 15.3.3 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;
- 15.3.4 If disclosure of the record would endanger the life or physical safety of an individual;
- 15.3.5 If disclosure of the record would prejudice or impair the security or property or means of transport;
- 15.3.6 If disclosure of the record would prejudice or impart the protection of the safety of the public;
- 15.3.7 The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 15.3.8 Disclosure of the record (containing trade secrets, financial, commercial or technical information) would hard the commercial or financial interest of AgriCoal;
- 15.3.9 Disclosure of the record would put AgriCoal, at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 15.3.10 The record is a computer programme and
- 15.3.11 The record contains information about research being carried out or about to be carried out on behalf of a third party or AgriCoal
- 15.4 Records that cannot be found or do not exist:
- 15.4.1 Should a Data Subject request AgriCoal to search for a record and it is believed that the record does not exist or cannot be found, the requestor must be notified by way of affidavit or affirmation. Steps that were taken to try locate this record must be stated on the affidavit / affirmation.

## **16. IMPLEMENTATION GUIDELINES:**

### **16.1 TRAINING AND DISTRIBUTION OF INFORMATION**

- 16.1.1 This Policy has been put in place throughout AgriCoal;
- 16.1.2 All new employees will be made aware of this policy or through training programmes of their responsibilities under the terms of the is Policy and POPI.
- 16.1.3 Modifications and updates to data protection and information sharing policies, legislation or guidelines will be brought to the attention of all staff.

### **16.2 EMPLOYEE CONTRACTS**

- 16.2.1 Each new employee will sign an Employment Contract containing the relevant consent clauses for the use and storage of employee information and a confidentiality undertaking that the employee will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information that the employee deals with or is in charge of, however it is stored. Failure to comply will result in the necessary disciplinary action being taken against the contravening employee.
- 16.2.2 Each employee who is currently employed with AgriCoal will sign an addendum to their Employment Contact containing the relevant consent clauses for the use and storage of employee information and a confidentiality undertaking that the employee will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information that the employee deals with or is in charge of, however it is stored. Failure to comply will result in the necessary disciplinary action being taken against the contravening employee.

## **17. DIRECT MARKETING**

17.1 All Direct Marketing communications shall contain AgriCoal's details and an address or method for the customer to opt-out or receiving further marketing communication.

### **17.2 Existing Clients:**

- 17.2.1 Direct Marketing by electronic means to existing clients is only permitted:
  - 17.2.1.1 If the client's details were obtained in the context of a service; and
  - 17.2.1.2 For the purpose of marketing similar products or content.
- 17.2.2 The client must be given the opportunity to opt-out of receiving direct marketing on each occasion of direct marketing.

### **17.3 Consent**

- 17.3.1 AgriCoal may send electronic Direct Marketing communication to Data Subjects who have consented to receiving it.

### **17.4 Record Keeping**

- 17.4.1 AgriCoal shall keep record of:
  - 17.4.1.1 Date of consent;
  - 17.4.1.2 Wording of the consent;
  - 17.4.1.3 Who obtained the consent;
  - 17.4.1.4 Proof of opportunity to opt-out on each marketing contact;
  - 17.4.1.5 Record of opt-outs.

**18. DESTRUCTION OF DOCUMENTS:**

- 18.1 Documents may be destroyed after the termination of the retention period specified in Annexure "A" or as determined by AgriCoal from time to time.
- 18.2 The documents must be shredded and the use of a reputable waste company is utilized; and
- 18.3 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.

**19. INFORMATION OFFICER:**

- 19.1 The Information Officer is responsible for ensuring compliance with POPI Act.
- 19.2 AgriCoal may annually consider a change in the Information Officer and Deputy Officer.
- 19.3 The Information Officer is to attend to any complaints issued to him / her on the prescribed form – see Annexure "C".

**20. EMPLOYEES AND OTHER PERSONS ACTING ON BEHALF OF AGRICOAL:**

- 20.1 All employees and other persons acting on behalf of AgriCoal will, during the course of the scope and duties of their services, gain access to and become acquainted with the personal information of certain clients, suppliers and other employees.
- 20.2 Employees and other persons acting on behalf AgriCoal are required to treat personal information as a confidential business asset and to respect the privacy of data subjects.
- 20.3 Employees and other persons acting on behalf of AgriCoal may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within the firm or externally, any personal information, unless such information is already publicly known or the disclosure thereof is necessary in order for the employee or person to perform his or her duties.
- 20.4 Employees and other persons acting on behalf of AgriCoal must request assistance from the Information Officer if they are unsure about any aspect related to the protection of a data subject's personal information.
- 20.5 Employees and other persons acting on behalf of AgriCoal must adhere to the 8 processing conditions of personal information at all times and must always obtain consent from the Data Subject before processing / using or storing their Personal Information.

**21. DISCIPLINARY ACTION:**

- 21.1 Where a POPIA compliant or investigation has been finalised, the AgriCoal may recommend any appropriate administrative, legal and / or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.
- 21.2 In the case of ignorance or minor negligence, AgriCoal will undertake to provide further awareness training to the employees.

- 21.3 Any gross negligence or the wilful mismanagement of personal information, will be considered a serious form of misconduct which may result in summarily dismissal of the employee responsible.
- 21.4 Disciplinary procedures will commence where there is sufficient evidence to support an employee's gross negligence.

**22. STATUTORY RETENTION PERIODS**

**Annexure “A”**

Legislation	Document Type	Period
Companies Act	<ul style="list-style-type: none"> <li>• Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;</li> <li>• Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities;</li> <li>• Copies of reports presented at the annual general meeting of the company;</li> <li>• Copies of annual financial statements required by the Act;</li> <li>• Copies of accounting records as required by the Act;</li> <li>• Record of directors and past directors, after the director has retired from the company;</li> <li>• Written communication to holders of securities and</li> <li>• Minutes and resolutions of directors’ meetings, audit committee and directors’ committees.</li> </ul>	6 Years

	<ul style="list-style-type: none"> <li>• Registration certificate;</li> <li>• Memorandum of Incorporation and alterations and amendments;</li> <li>• Rules;</li> <li>• Securities register and uncertified securities register;</li> <li>• Register of company secretary and auditors and</li> <li>• 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.</li> </ul>	Indefinitely
Consumer Protection Act	<ul style="list-style-type: none"> <li>• Full names, physical address, postal address and contact details;</li> <li>• ID number and registration number;</li> <li>• Contact details of public officer in case of a juristic person;</li> <li>• Service rendered;</li> </ul>	3 Years

	<ul style="list-style-type: none"> <li>• Cost to be recovered from the consumer;</li> <li>• Frequency of accounting to the consumer;</li> <li>• Amounts, sums, values, charges, fees, remuneration specified in monetary terms;</li> <li>• Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions;</li> </ul>	
Financial Intelligence Centre Act	<ul style="list-style-type: none"> <li>• Whenever a reportable transaction is concluded with a customer, the institution must keep record of the identity of the customer;</li> <li>• 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;</li> <li>• 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;</li> <li>• The manner in which the identity of the persons</li> </ul>	5 Years



	<p>referred to above was established; The nature of that business relationship or transaction;</p> <ul style="list-style-type: none"> <li>• In the case of a transaction, the amount involved and the parties to that transaction;</li> <li>• All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;</li> <li>• The name of the person who obtained the identity of the person transacting on behalf of the accountable institution;</li> <li>• Any document or copy of a document obtained by the accountable institution</li> </ul>	
<p>Compensation for Occupational Injuries and Diseases Act</p>	<ul style="list-style-type: none"> <li>• Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.</li> <li>• Section 20(2) documents: -Health and safety committee recommendations made to an employer in terms</li> </ul>	<p>4 Years</p> <p>3 Years</p>

	<p>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.</p>	
Basic Conditions of Employment Act	<ul style="list-style-type: none"> <li>• Section 29(4): -Written particulars of an employee after termination of employment;</li> <li>• 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. 3 years Employment Equity Act.</li> </ul>	3 Years
Employment Equity Act	<ul style="list-style-type: none"> <li>• Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act;</li> <li>• Section 21 report which is sent to the Director General.</li> </ul>	3 Years
Labour Relations Act	<ul style="list-style-type: none"> <li>• Records to be retained by the employer are the collective agreements and arbitration awards. 3 years</li> </ul>	3 Years

	<ul style="list-style-type: none"> <li>• An employer must retain prescribed details of any strike, lock-out or protest action involving its employees;</li> <li>• Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employee and the reasons for the actions.</li> </ul>	Indefinite
Unemployment Insurance Act	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	5 Years
Tax Administration Act	<ul style="list-style-type: none"> <li>• Section 29 documents which: <ul style="list-style-type: none"> <li>-Enable a person to observe the requirements of the Act;</li> <li>-Are specifically required under a Tax Act by the Commissioner by the public notice;</li> <li>-Will enable SARS to be satisfied that the person has observed these requirements</li> </ul> </li> </ul>	5 Years
Income Tax Act	<ul style="list-style-type: none"> <li>• Amount of remuneration paid or due by him to the employee;</li> </ul>	5 Years

	<ul style="list-style-type: none"> <li>• The amount of employee's tax deducted or withheld from the remuneration paid or due;</li> <li>• The income tax reference number of that employee;</li> <li>• Any further prescribed information;</li> <li>• Employer Reconciliation return.</li> </ul>	
Value Added Tax Act	<ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> </ul>	5 Years

	<ul style="list-style-type: none"><li>• Documentary proof substantiating the zero rating of supplies;</li><li>• 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.</li></ul>	
--	---	--

<b>PERSONAL INFORMATION REQUEST FORM</b>
Please submit the completed form to the Information Officer

Please be aware that we may request you to provide proof of identification prior to processing your request.

There may also be a reasonable charge for providing copies of the information requested.

<b>A. Particulars of Data Subject:</b>	
Name & Surname:	
Identity Number:	
Postal Address:	
Contact Number:	
E-mail Address:	

<b>B. Request:</b>
I request the company to (please circle the relevant request(s)):
<ul style="list-style-type: none"><li>a. Inform me whether it holds any of my personal information.</li><li>b. Provide me with a record or description of my personal information.</li><li>c. Provide me with a record or description of my personal information.</li><li>d. Correct or update my personal information.</li><li>e. Destroy or delete a record of my personal information.</li></ul>

<b>C. Instructions:</b>

<b>D. Signature and date:</b>
_____
_____

<b>POPIA COMPLAINT FORM</b>
We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit your complaint to the Information Officer:

<b>Name</b>	
<b>Contact Number</b>	
<b>E-mail Address</b>	

Where we are unable to resolve your complaint to your satisfaction you have the right to lodge a complaint with the Information Regulator.

The Information Regulator: Advocate Pansy Tlakula

Physical Address: SALU Building, 316 Thabi Sehume Street, Pretoria

E-mail Address: [inforreg@justice.gov.za](mailto:inforreg@justice.gov.za)

Website: <http://www.justice.gov.za/infoereg/index.html>

<b>A. Particulars of Complaint:</b>	
<b>Name &amp; Surname:</b>	
<b>Identity Number:</b>	
<b>Postal Address:</b>	
<b>Contact Number:</b>	
<b>E-mail Address:</b>	
<b>B. Details of Complaint:</b>	
<b>C. Desired Outcome:</b>	