

POLICY MANUAL IN RESPECT OF THE PROTECTION OF PERSONAL INFORMATION ACT [NO. 4 OF 2013 (AS AMENDED)] [READ WITH THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (AS AMENDED)]

PREAMBLE:

Inasmuch as **AUTOTECH WEIGHING SYSTEMS (PROPRIETARY) LIMITED (Reg. No. 1982/001109/07)**, its subsidiaries, servants, agents, officials, employees and affiliates (“**the Company**”), have certain statutory obligations and responsibilities in terms of the provisions of the Protection of Personal Information Act No. 4 of 2013 (as amended) (“**the Act**”), including any Regulations published under the auspices of the Act, the contents of this policy manual have been created by and are intended to be given effect by the company, in order to ensure the Company’s compliance with the Act.

The provisions hereof shall:-

- (a) Form part of the company’s internal policies and codes of conduct and shall be applied as such hereinafter and all of the company’s officials and employees shall be deemed to be familiar with the contents hereof; and
- (b) Be subject to the provisions of any Codes of Conduct as may from time-to-time be issued by the Regulator under the auspices of the Act, where the same may find application vis-a-vis the company.

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A. RIGHTS OF DATA SUBJECTS:

1. The company recognises the rights of its agents, customers, directors, employees, officers, servants and suppliers (“**data subjects**”), to have their personal information processed in accordance with the provisions of the Protection of Personal Information Act No. 4 of 2013 (as amended) (“the Act”).
2. In terms of Section 1 of the Act, “**personal information**” means information relating to an identifiable, living, natural person and where it is applicable, to an identifiable juristic person, including but not limited to:-
 - (a) *Information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;*
 - (b) *Information relating to the education or the medical, financial, criminal or employment history of the person;*
 - (c) *Any identifying number, symbol, email 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; and*
 - (f) *The name of the person or if the disclosure of the name itself would reveal information about the person.*

3. The company acknowledges that:-

- 3.1. It is the principal responsible party in respect of the collection, correction, destruction, deletion and/or dissemination, under the auspices of the Act; and
- 3.2. That the aforesaid rights of the company's data subjects, include the right:-
 - 3.2.1. To be notified that personal information about them is being collected as provided in terms of section 18 of the Act or that such personal information has been accessed or acquired by an unauthorised person as provided in terms of section 22 of the Act;
 - 3.2.2. To establish whether the company or a responsible party on its behalf, holds personal information of that data subject and to request access to such information as provided in terms of section 23 of the Act;
 - 3.2.3. To request, where necessary, the correction, destruction or deletion of their personal information as provided in terms of section 24 of the Act;
 - 3.2.4. To object, on reasonable grounds, to the processing of their personal information as provided in terms of Section 11(3)(a) of the Act and particularly, for the purposes of direct marketing in terms of Section 11(3)(b) or Section 69(3)(c) of the Act;
 - 3.2.5. Not to have their personal information processed for purposes of direct marketing by means of unsolicited electronic communications, except as referred to in Section 69(1) of the Act;
 - 3.2.6. Not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of

their personal information intended to profile such person as provided in terms of Section 71 of the Act;

3.2.7. To submit a complaint to the Regulator regarding the alleged interference with the protection of personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided in terms of Section 74 of the Act; and

3.2.8. To institute civil proceedings regarding the alleged interference with the protection of their personal information as provided in terms of Section 99 of the Act.

4. The company does not presently engage in any of the activities contemplated in Sections 6 or 7 of the Act and the exclusions therein contained, do not find application with regard to the company's activities.

B. THE LAWFUL PROCESSING OF PERSONAL INFORMATION:-

(i) Accountability:-

1. The company will ensure that the conditions set out in Chapter 3 of the Act and all the measures that give effect to such conditions, are complied with at all times.

2. In doing so, the company will appoint a duly authorised Information Officer(s), as contemplated in Sections 55 and 56 of Part B of Chapter 5 of the Act.

(ii) **Processing Information:-**

1. The company will always use its best endeavours to ensure that personal information as contemplated in terms of the Act, is processed lawfully and in a reasonable manner that does not infringe the privacy of any data subject.
2. The company will never process personal information for any purposes that it does not consider adequate, relevant or excessive.
3. Any/all personal information will be processed by the company where such processing is:-
 - 3.1. Authorised by the data subject or competent person, where the data subject is a child;
 - 3.2. Necessary to carry out actions for the conclusion or performance of a contract to which the company and the data subject are parties;
 - 3.3. In compliance with an obligation imposed by law;
 - 3.4. Protects a legitimate interest of the data subject;
 - 3.5. Necessary for the proper performance of company; or
 - 3.6. Is necessary for pursuing the legitimate interests of the company or of any third party to whom the information is supplied.
4. The company acknowledges that a data subject may:-
 - 4.1. At any time, withdraw their consent to the processing of their personal information, as contemplated in Section 11(2)(b) of the Act; and/or

- 4.2. Object to the processing of personal information in the prescribed manner and upon reasonable grounds;

in which event the company will immediately cease to process any such information.

5. The company will always endeavour to collect personal information directly from the data subject, except if:-

- 5.1. Any such information is contained in or derived from any public record or has been made public by the data subject; or

- 5.2. Collection of the information from another source is necessary to avoid prejudice to the maintenance of the law, to comply with any obligation imposed on the company by law, for the conduct of proceedings in any court or tribunal and to maintain the company's legitimate interests.

(iii) Purpose Specification:-

(a) Collection for Specific Purpose:-

1. The company will always specify for what purposes, function or activity, personal information is collected by it.

(b) Retention & Restriction of Records:-

1. The company will not retain records of personal information any longer than is necessary for achieving the purpose for which the information is collected or processed, unless:-

- 1.1. Retention of any such record is required by law or in terms of any contract between the parties;
- 1.2. The company requires the record for lawful purposes related to:-
 - 1.2.1. Its functions or activities; or
 - 1.2.2. For historical, statistical or research purposes.
- 1.3. Compliance is not reasonably practicable in the circumstances of any particular case.
2. The company will retain any record of personal information for such period as the company may in its discretion deem necessary but will destroy or delete any record of personal information as soon as reasonably practicable, should the company no longer be authorised to retain any such record.
3. The destruction or deletion of any record of personal information will be done in a manner that prevents its reconstruction in an intelligible form.
4. The company will restrict the processing of personal information if:-
 - 4.1. The accuracy of any such information is contested by the data subject;
 - 4.2. The company no longer need the personal information for the purpose for which same was collected;
 - 4.3. The data subject requests the company to transmit such data into another automated processing system; or
 - 4.4. The process of the information is no longer lawful, and the data subject requests the restriction of the use of the information, instead of its destruction or deletion.

(c) Further Processing Limitation:-

1. In the context of the company's operations, the processing of personal information will always be effected where necessary to prevent or mitigate a serious or imminent threat to public health or safety, notwithstanding any object thereto by a data subject.

C. INFORMATION QUALITY:-

1. The company will always take reasonable steps to ensure that personal information received and/or processed by it, is complete, accurate, not misleading and update from time-to-time, where necessary.

D. OPENNESS:-

1. The company acknowledges that its responsibilities under the Act coincide with its responsibilities in terms of the Promotion of Access to Information Act No. 2 of 2000 (as amended).
2. The company will take all reasonable steps that at any time, any data subject is aware of:-
 - 2.1. The source from which personal information is collected;
 - 2.2. The company's name and address;
 - 2.3. The purposes for which the information is being collected;
 - 2.4. Whether the supply of information by the data subject is voluntary or mandatory;
 - 2.5. The consequences of any failure to provide the information;

- 2.6. Whether the company intends to transfer the information to any country or organisation outside of the Republic of South Africa;
- 2.7. Any further information such as:-
 - 2.7.1. The particulars of the recipient of the information;
 - 2.7.2. The nature and category of the information;
 - 2.7.3. The existence of the right of access to and the right to rectify the information collected;
 - 2.7.4. The existence of the right to object to the processing of personal information; and
 - 2.7.5. The right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator.
3. It will however not be necessary for the company to comply with the aforesaid if:-
 - 3.1. The data subject has provided consent for the company's non-compliance;
 - 3.2. Non-compliance will not prejudice the legitimate interests of the data subject;
 - 3.3. Non-compliance is necessary to avoid any prejudice to the maintenance of the law or comply with any obligation imposed by law or for the conduct of proceedings in any court or tribunal;
 - 3.4. Compliance would prejudice a lawful purpose of the collection of the information;

- 3.5. Compliance is not reasonably practicable in the circumstances of the particular case; or
- 3.6. The information will not be used in a form in which the data subject may be identified or will be used for historical, statistical or research purposes.

E. SECURITY SAFEGUARDS:-

1. The company will always secure the integrity and confidentiality of personal information in its possession or under its control, by taking appropriate, reasonable technical and organisational measure to prevent:-
 - 1.1. Loss of, damage to or un-authorized destruction of personal information;
 - 1.2. Unlawful access to or processing of personal information.
2. The company will take all reasonable measures to:-
 - 2.1. Identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
 - 2.2. Establish and maintain appropriate safeguards against the risks identified;
 - 2.3. Regularly verify that the safeguards are effectively implemented; and
 - 2.4. Ensure that the safeguards are continually upgraded in response to new risks or deficiencies in previously implemented safeguards.
3. Anyone appointed to process personal information on behalf of the company (“**an operator**”), must:-
 - 3.1. Process such information only with the knowledge or authorisation of the company or its duly appointed and authorised officials in this regard; and

3.2. Treat such personal information which comes to their knowledge as confidential and must not disclose it;

unless otherwise required by law or in the course of the proper performance of their duties.

4. An operator appointed by the company must notify the company or any duly appointed and authorised official of the company, whenever there are reasonable grounds to believe that the personal information of any data subject has been accessed or acquired by any unauthorised person.

5. Where there are reasonable grounds to believe that the personal information of any data subject has been accessed or acquired by any unauthorised person, the company will, as soon as reasonably possible, notify:-

5.1. The Regulator; and

5.2. The data subject (unless the identity of such data subject cannot be established).

6. The company may delay notification of the data subject as aforesaid, if the Regulator or any responsible public body determines that notification will impede a criminal investigation by the public body concerned.

7. The notification to a data subject referred to above, must be in writing and communicated to the data subject in the following ways:-

7.1. Mailed to the data subject's last known physical or postal address;

7.2. Sent by email to the data subject's last known email address;

7.3. Placed in a prominent position on the company's web-site;

- 7.4. Published in the news media; or
 - 7.5. As otherwise directed by the Regulator.
8. In doing so, the company will ensure that any such notification complies with the provisions of Section 22(5) of the Act.

F. DATA SUBJECT PARTICIPATION:-

- 1. The company acknowledges that a data subject, having provided adequate proof of identity, has the right to:-
 - 1.1. Request the company to confirm whether or not the company holds any personal information about the data subject; and
 - 1.2. Request the record or description of such personal information, including information about the identity of all third parties, who have had access to the information:-
 - 1.2.1. Within a reasonable time;
 - 1.2.2. At a prescribed fee (if any);
 - 1.2.3. In a reasonable manner and format; and
 - 1.2.4. In form that is generally understandable.
- 2. If a data subject is required by the company to pay a fee for service provided to the data subject as aforesaid, the company:-
 - 2.1. Shall ensure that the data subject is given a written estimate of the fee before providing the services; and

- 2.2. May require such applicant to pay a deposit for all or part of the fee.
3. The company will always refuse to disclose any information requested to which the grounds for refusal of access to records set out in Chapter 4 of Part 2 and Chapter 4 of Part 3 of the Promotion of Access to Information Act apply.

G. CORRECTION OF PERSONAL INFORMATION:-

1. A data subject may request the company to:-
 - 1.1. Correct or delete personal information about the data subject in its possession or under its control, which may be inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
 - 1.2. Destroy or delete a record of personal information about the data subject that the responsible party is no longer authorised to retain;

which the company will attend to as soon as reasonably practicable and will notify the data subject of the action taken as a result of any such request.

H. PROHIBITION ON PROCESSING OF SPECIAL PERSONAL INFORMATION:-

1. The company will not process personal information concerning:-
 - 1.1. The religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
 - 1.2. The criminal behaviour of a data subject, unless such information relates to the alleged commission of by the data subject of an offence or any

proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings;

unless authorised by the data subject to do so, same is necessary for the establishment, exercise or defence of a right or obligation in law, is necessary in order to comply with any obligation of international public law, is for historical, statistical or research purposes, said information has deliberately been made public by the data subject or the provisions of Sections 28 to 33 of the Act find application.

I. COMPANY'S INFORMATION OFFICER/DEPUTY INFORMATION OFFICER:-

(i) Duties & Responsibilities:-

1. In accordance with the provisions of the Act, the company shall appoint an **“information officer”**, whose duties shall *inter alia* include:-
 - 1.1. The encouragement of compliance, within the company, with the conditions for the lawful processing of personal information;
 - 1.2. Dealing with requests made to the company pursuant to the Act;
 - 1.3. Working with the Regulator in relation to investigations conducted pursuant to Chapter 6 of the Act, in relation to the company;
 - 1.4. Otherwise ensuring compliance by the company with the provisions of the Act; and
 - 1.5. As may otherwise be prescribed in law.

(ii) **Registration:-**

1. The company shall ensure the registration of any information officer appointed as aforesaid, with the Regulator as contemplated in Section 55(2) of the Act, in the prescribed manner.
2. The company may at any time, provide for the appointment of any deputy information officer(s) as contemplated in Section 56 of the Act, in the prescribed manner.

J. **REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION:-**

1. The regulations relating to the Protection of Personal Information issued under Government Gazette No. 42110 dated 14 December 2018, shall constitute part of the provisions hereof, *mutatis mutandis*, the commencement date of which regulations at date hereof, are still to be determined by the Regulator by proclamation in the Government Gazette.