- MANUAL IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 –

IN RESPECT OF -

Boiler Steel Products and Engineering Proprietary Limited

(hereinafter “the Company”)

1 BACKGROUND AND CONTEXT

1.1 The Protection of Personal Information Act 4 of 2013 ("**POPI**") regulates the processing of personal information. The definition of processing is very wide and refers to almost any instance where personal information is handled. This definition is not a closed list and even information not listed in s 1 as personal information could be considered personal information and protected by POPI.

1.2 POPI confers rights on data subjects including but not limited to, the right to be notified when personal information is processed and the right to be notified when personal information has been compromised or hacked by unauthorised individuals. Data subjects have the right to know, free of charge, if a responsible party holds the personal information of a data subject. They also have the right to a record or copy of that personal information but the responsible party may charge a fee for providing access to this record. Data subjects have the right to correct and amend the records of their personal information held by responsible parties. They also have the right to object to the processing of their personal information and not to be subjected to direct marketing.

1.3 Conversely, POPI confers duties on responsible parties to process personal information in compliance with conditions, including but not limited to, the conditions that processing must be conducted in a manner that is accountable, lawful, and reasonable and has minimal intrusion on the data subject’s rights. Under normal circumstances, Personal information processing must be done with the consent of the data subject and gathered from the subject directly, though this is not the only way personal information can be processed. Personal information must be collected for a specific purpose and the data subject must, again under normal circumstances, be notified that their personal information is being processed.

1.4 Personal information must be reasonably accurate and secure from unlawful access and further dissemination.

1.5 Operators, being people acting under contract or mandate of a responsible party have a duty not to disclose any personal information they come into contact with and must maintain the integrity and confidentiality of the personal information they have collected.

1.6 The consent and opt-out provisions under s 69 of POPI provide data subjects with the ability to curtail unsolicited marketing communications.

1.7 POPI is in full force and effect and penalties for non-compliance are severe, amounting to fines not exceeding R 10 million or imprisonment of up to ten years.

1.8 S 72 of POPI prohibits trans-border data flows to countries that have lower standards of data protection than South Africa.

1.9 European Union laws have been highly influential on the drafters of POPI. The European Union has been successful in creating uniform standards of data privacy for all member states with the result that businesses within the EU that are reliant on data can easily transact with one another. This, in turn, has assisted economic and social progress among those countries.

1.10 The United States of America ("US") has not adopted uniform data protection standards equivalent to those in Europe. The US did adopt the United States Department of Commerce Safe Harbor Privacy Principles 2000 (Safe Harbor Agreement) that allow US businesses to self-certify that they are compliant with the standards of data protection adopted in Europe, however, there is no uniform requirement as to minimum standards in the US.

1.11 POPI prohibits trans-border data flows to countries that have lower standards of data protection than South Africa. This affects the ability of South African businesses to transfer information in the global market place. It does, however, allow South African businesses to receive data flows from countries that have similar data protection provisions in their jurisdiction, for example European Countries.

2 **EXECUTIVE SUMMARY**

2.1 Protecting the security and privacy of personal data is important the Company.

2.2 The Company therefore conducts its business in compliance with applicable laws on data privacy protection and data security. The policies and procedures outlined below will help the Data Subject understand what data the Company may collect, how the Company use and safeguard that data and with whom the Company may share it.

2.3 This Manual has been compiled in terms of POPI as read with the Promotion of Access to Information Act, 2 of 2000 ("**PAIA**").

2.4 This manual is not exhaustive and all employees of the Company are required to have regard to the provisions of POPI generally and their obligations in terms of the requirements for the lawful Processing of Personal Information set out therein.

2.5 The Company is a Responsible Party in respect of all Personal Information processed by its employees. To the extent that any party, not an employee or otherwise under the direct authority of the Company, Processes Personal Information for or on behalf of the Company, that person acts as an 'Operator' as defined in POPI and both the Company and that party are subject to the obligations in respect thereof, set out in POPI.

2.6 In that the definitions of "Personal Information" and "Processing" are very wide (see definitions below), POPI sets out 8 conditions for the lawful processing of Personal Information. These 8 conditions are:

2.6.1 *Accountability* – Taking Responsibility for Processing Personal Information;

2.6.2 *Processing Limitation* – When Personal Information can be Processed;

2.6.3 *Purpose Specification* – The lawful reasons for Processing;

2.6.4 *Further processing Limitation* – Processing Personal Information for another reason;

2.6.5 *Information Quality* – Ensuring Personal Information is accurate and correct;

2.6.6 *Openness* – Informing Data Subjects what Personal Information the Company Holds about them;

2.6.7 *Security Safeguards* – The Company's digital and physical security measures;

2.6.8 *Data Subject Participation* – Allowing Data Subjects to access and correct their Personal Information.

3 PERTINENT DEFINITIONS

The following definitions in POPI are important for the context of this Manual:

3.1 "**Data Subject**" means the person to whom Personal Information relates;

3.2 **"Direct Marketing"** means to approach a Data Subject, either in person or by mail or electronic communication, for the direct or indirect purpose of—

3.2.1 promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject; or

3.2.2 requesting the Data Subject to make a donation of any kind for any reason;

3.3 **"Information Officer"** of, or in relation to, a**—**

3.3.1 public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or

3.3.2 private body means the head of a private body as contemplated in section 1,

of the Promotion of Access to Information Act;

3.4 "**Operator**" means a person who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that party;

3.5 "**Personal Information**" means information relating to an identifiable, living, natural person and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

3.5.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

3.5.2 information relating to the education or the medical, financial, criminal or employment history of the person;

3.5.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

3.5.4 the biometric information of the person;

3.5.5 the personal opinions, views or preferences of the person;

3.5.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

3.5.7 the views or opinions of another individual about the person; and

3.5.8 the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;

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

3.6.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

3.6.2 dissemination by means of transmission, distribution or making available in any other form;

3.6.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.

3.7 "**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 ACCOUNTABILITY

4.1 POPI renders the Company accountable in respect of all Personal Information that is Processed by it (or on its behalf, including for example by an Operator).

4.2 The Company is legally obliged to procure that the conditions for lawful Processing and the measures that give effect to such conditions, are complied with at the time of:

4.2.1 the determination of the purpose and means of the Processing; as well as

4.2.2 during the Processing itself.

5 PROCESSING LIMITATION

5.1 The Company will Process Personal Information:

5.1.1 lawfully; and

5.1.2 in a reasonable manner that does not infringe on a Data Subject's privacy; and

5.1.3 in a manner that is, considering the purpose of such Processing, adequate, relevant and not excessive.

5.2 Personal information will only be processed in circumstances where:

5.2.1 the Data Subject consents thereto, for example expressly via a signed mandate with the Company, alternatively tacitly through actions reasonably or necessarily undertaken in terms of instructions received from the Data Subject. The Company bears the burden of proof of a Data Subject's consent;

5.2.2 Processing is necessary to carry out actions for the conclusion or performance of a contract which includes the Data Subject and the Company as parties;

5.2.3 Processing complies with an obligation imposed by law on the Company;

5.2.4 Processing protects a legitimate interest of the Data Subject;

5.2.5 Processing is necessary for the proper performance of a public law duty by a public body;

5.2.6 Processing is necessary for pursuing the legitimate interests of the Company or of a third party to whom the information is supplied.

5.3 A Data Subject may withdraw that Data Subject's consent, as referred to in 5.2.1, at any time, provided that the lawfulness of the Processing of Personal Information before such withdrawal or the Processing of Personal Information in terms of subsections 5.2.1 to 5.2.6 will not be affected.

5.4 The Data Subject may object at any time, to the Processing of a Data Subject's Personal Information:

5.4.1 in terms of 5.2.1 to 5.2.6, in the prescribed manner, on reasonable grounds relating to a Data Subject's particular situation, unless legislation provides for such Processing;

5.4.2 for purposes of direct marketing other than by means of unsolicited electronic communications as contemplated and permitted in terms of section 69 of POPI;

5.5 The Processing of Personal Information by the Company for the purpose of direct marketing by means of electronic communications (as contemplated in section 69 of POPI) is dealt with under 'Digital' and 'Direct Marketing' below.

5.6 If the Data Subject has objected to the Processing of their Personal Information, the Company may subject to the above, no longer process that Data Subject's Personal Information.

5.7 The Company may only obtain Personal Information directly from the Data Subject , except as otherwise provided for in 5.8.

5.8 The Company may obtain Personal Information other than directly from the Data Subject , if:

5.8.1 the information is contained in or derived from a public record or has deliberately been made public by the Data Subject;

5.8.2 the Data Subject has consented to the collection of the information from another source;

5.8.3 collection of the information from another source would not prejudice a legitimate interest of the Data Subject;

5.8.4 collection of the information from another source is necessary:

5.8.4.1 to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;

5.8.4.2 to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act No. 34 of 1997;

5.8.4.3 for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;

5.8.4.4 in the interests of national security; or

5.8.4.5 to maintain the legitimate interests of the Company or of a third party to whom the information is supplied;

5.8.5 to do otherwise:

5.8.5.1 would prejudice a lawful purpose of the collection; or

5.8.5.2 would not be reasonably practicable in the circumstances of the particular case.

6 PURPOSE SPECIFICATION

6.1 The Company may only collect Personal Information for specific, explicitly defined and lawful purposes related to a function or activity of the Company. The purposes for which the Company will collect, process and retain a Data Subject's Personal Information include:

6.1.1 Negotiating, concluding and/or exercising rights under contracts with the Data Subject ;

6.1.2 Compiling and/or maintaining various registers of customers from time to time;

6.1.3 Compiling and/or maintaining registers of employees, consultants and service providers from time to time;

6.1.4 Maintaining, updating and improving the Company website; and

6.1.5 Reporting in accordance with applicable law.

6.2 The Company will undertake such steps as are contemplated in section 18(1) of POPI to ensure that Data Subjects are made aware of the purpose of the collection of the information unless the provisions of section 18(4) of POPI are applicable. A full copy of section 18 of POPI is attached hereto as Annexure "A".

6.3 The Company will not retain Personal Information any longer than is necessary for achieving the purpose for which the information was collected or subsequently Processed, unless:

6.3.1 retention of the record is required or authorised by law;

6.3.2 the Company reasonably requires the record for lawful purposes related to its functions or activities;

6.3.3 retention of the record is required or authorised by a contract to which the Data Subject and the Company are parties; or

6.3.4 the Data Subject has consented to the retention of the record.

6.4 Records of Personal Information may be retained for periods in excess of those contemplated above for historical, statistical or research purposes if the Company has established appropriate safeguards against the records being used for any other purposes.

6.5 All records of a Data Subject's Personal Information used by the Company to make a decision about the Data Subject , will:

6.5.1 be retained for such period as may be required or prescribed by law or a code of conduct: or

6.5.2 if there is no law or code of conduct prescribing a retention period, be retained for a period which will afford the Data Subject a reasonable opportunity, taking all considerations relating to the use of the Personal Information into account, to request access to the record.

6.6 The Company must destroy or delete a record of Personal Information or de-identify it as soon as reasonably practicable after the Company is no longer authorised to retain the record.

6.7 The destruction or deletion of a record of Personal Information in terms of 6.6 must be done in a manner that prevents its reconstruction in an intelligible form.

6.8 The Company will restrict Processing of Personal Information if:

6.8.1 its accuracy is contested by the Data Subject, for a period enabling the Company to verify the accuracy of the information;

6.8.2 the Company no longer needs the Personal Information for achieving the purpose for which the information was collected or subsequently processed but it has to be maintained for purposes of proof;

6.8.3 the Processing is unlawful and the Data Subject opposes its destruction or deletion and requests the restriction of its use instead; or

6.8.4 the Data Subject requests that the Personal Information be transmitted into an automated Processing system of the Data Subject's choice.

6.9 Personal information referred to in 6.8 may, with the exception of storage, only be processed for purposes of proof, or with a Data Subject's consent, or for the protection of the rights of another natural or legal person or if such Processing is in the public interest.

6.10 Where Processing of Personal Information is restricted pursuant to 6.8, the Company must inform the Data Subject before lifting the restriction on Processing.

6.11 The Company will only process the Personal Information of a child in circumstances where the Company:

6.11.1 has the consent of the parent or guardian of the child; and/or

6.11.2 otherwise strictly in accordance with the provisions of POPI.

6.12 The Company will not:

6.12.1 use the Personal Information of a child for marketing purposes;

6.12.2 make the Personal Information of a child public;

6.12.3 request Personal Information of third parties from a child.

6.13 The purposes for which the Company may process the information of a child/minor are limited to those necessitated in the performance by the Company of its services under a contract contemplated in 5.2.2 or in accordance with an instruction received in accordance with 5.2.1.

7 **FURTHER PROCESSING LIMITATION**

7.1 Further Processing of Personal Information must be in accordance or compatible with the purpose for which it was collected originally.

7.2 To assess whether further Processing is compatible with the purpose of collection, the Company must take account of:

7.2.1 the relationship between the purpose of the intended further Processing and the purpose for which the information has been collected;

7.2.2 the nature of the information concerned;

7.2.3 the consequences of the intended further Processing;

7.2.4 the manner in which the information has been collected; and

7.2.5 any contractual rights and obligations between the parties.

7.3 Further Processing of Personal Information is not incompatible with the purpose of collection if:

7.3.1 the Data Subject has consented to the further Processing of the information;

7.3.2 the information is available in or derived from a public record or has deliberately been made public by the Data Subject ;

7.3.3 further Processing is necessary:

7.3.3.1 to avoid prejudice to the maintenance of the law by any public body including the prevention, detection, investigation, prosecution and punishment of offences;

7.3.3.2 to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South 45 African Revenue Service Act No. 34 of 1997;

7.3.3.3 for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or

7.3.3.4 in the interests of national security;

7.3.4 the further Processing of the information is necessary to prevent or mitigate a serious and imminent threat to:

7.3.4.1 public health or public safety; or

7.3.4.2 a Data Subject's life or health, or that of another individual;

7.3.5 the further Processing of the information is in accordance with an exemption duly granted.

8 **INFORMATION QUALITY**

8.1 The Company will take reasonably practicable steps to ensure that the Personal Information is complete, accurate, not misleading and updated where necessary.

8.2 In taking the steps referred to in 8.1, the Company will have regard to the purpose for which Personal Information is collected or further Processed.

9 **OPENNESS**

9.1 The Company will maintain the documentation of all Processing operations under its responsibility as contemplated in section 51 of PAIA.

9.2 If Personal Information is collected, the Company will take reasonably practicable steps to ensure that the Data Subject is aware of the information being collected and where the information is not collected from the Data Subject directly, the source from which it is collected. The Personal Information may be collected:

9.2.1 in a mandate or other instruction received from the Data Subject;

9.2.2 during the rendering of services/provision of goods and/or reporting process undertaken by the Company; and

9.2.3 by virtue of the Data Subject accessing and/or navigating the Company Website.

9.3 The full names and address of the Company will be set out in the Company website [www.the Company.co.za] under the tab "Contact Use". The Company website shall further set out:

9.3.1 the Company's Privacy Policy; and

9.3.2 the Company PAIA Manual including the identities of its Information Officers.

9.4 The Company will not be transferring the Personal Information to any country with less onerous data privacy protections than South Africa.

9.5 The Data Subject has the right at any time:

9.5.1 to object to the Processing of a Data Subject's Personal Information;

9.5.2 to lodge a complaint with the Information Regulator at the following address – [E-mail: inforeg@justice.gov.za; Tel: 012 406 4818], having regard to the specific circumstances in which the information is or is not to be processed, to enable Processing in respect of the Data Subject to be reasonable. Such steps must be taken:

9.5.2.1 if the Personal Information is collected directly from the Data Subject before, the information is collected, unless the Data Subject is already aware of the information referred to; or

9.5.2.2 in any other case, before the information is collected or as soon as reasonably practicable after it has been collected;

9.5.3 It is not necessary for the Company to comply with this paragraph 9 if:

9.5.3.1 the Data Subject has provided consent for the non-compliance;

9.5.3.2 non-compliance would not prejudice a Data Subject's legitimate interests as set out in POPI;

9.5.3.3 non-compliance is necessary:

9.5.3.3.1 to avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;

9.5.3.3.2 to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act No. 34 of 1997;

9.5.3.3.3 for the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated; or

9.5.3.3.4 in the interests of national security;

9.5.3.4 compliance would prejudice a lawful purpose of the collection;

9.5.3.5 compliance is not reasonably practicable in the circumstances of the particular case; or

9.5.3.6 the information will:

9.5.3.6.1 not be used in a form in which the Data Subject may be identified; or

9.5.3.6.2 be used for historical, statistical or research purposes.

10 **SECURITY SAFEGUARDS**

10.1 The Company shall secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable, technical and organisational measures to prevent:

10.1.1 loss of, damage to or unauthorised destruction of Personal Information;

10.1.2 unlawful access to or Processing of Personal Information.

10.2 In order to give effect to the above, the Company will take reasonable measures to:

10.2.1 identify all reasonably foreseeable internal and external risks to Personal Information in its possession or under its control;

10.2.2 establish and maintain appropriate safeguards against the risks identified;

10.2.3 regularly verify that the safeguards are effectively implemented; and

10.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

10.3 The Company shall have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.

10.4 The Company shall procure that any Operator or anyone Processing Personal Information on behalf of the Company, must (pursuant to a written agreement if necessary):

10.4.1 process such information only with the knowledge or authorisation of the Company;

10.4.2 treat Personal Information which comes to their knowledge as confidential and must not disclose it, unless required by law or in the course of the proper performance of their duties;

10.4.3 establish and maintain the security measures referred to in section 19 of POPI;

10.4.4 notify the Company immediately where there are reasonable grounds to believe that a Data Subject's Personal Information has been accessed, acquired or otherwise compromised by any unauthorised person.

10.5 Where there are reasonable grounds to believe that a Data Subject's Personal Information has been accessed, acquired or compromised by any unauthorised person, the Company must, subject to the further provisions of POPI in this regard, notify:

10.5.1 the Regulator; and

10.5.2 the Data Subject, to the extent that the Data Subject qualify as a "Data Subject" as defined in POPI.

11 <u>DATA SUBJECT PARTICIPATION</u>

11.1 Having provided adequate proof of identity, a Data Subject has the right to:

11.1.1 request the Company to confirm, free of charge, whether or not the Company holds Personal Information about the Data Subject ; and

11.1.2 request from the Company the record or a description of the Personal Information about the Data Subject held by the Company, including information about the identity of all third parties, or categories of third parties who have, or have had, access to the information:

11.1.2.1 within a reasonable time;

11.1.2.2 at a prescribed fee, if any;

11.1.2.3 in a reasonable manner and format; and

11.1.2.4 in a form that is generally understandable.

11.2 The Data Subject has the right in terms of section 24 of POPI to request the correction of Personal Information.

11.3 If the Data Subject is required by the Company to pay a fee for services provided to the Data Subject in terms of 11.1.2 to enable the Company to respond to such request, the Company:

11.3.1 is required to, and will provide the Data Subject with a written estimate of the fee before providing the services; and

11.3.2 may require the Data Subject to pay a deposit for all or part of the fee.

11.4 The Company may or must refuse to disclose any information on the basis of the relevant sections of Chapter 4 of Part 2 and Chapter 4 of Part 3 of PAIA. The provisions of sections 30 and 61 of PAIA are applicable in respect of access to health or other records. If a request for access to Personal Information is made to the Company and part of that information may or must be refused in terms of the foregoing, the Company remains subject to disclose every other part.

11.5 The Data Subject may, in the prescribed manner, request the Company to:

11.5.1 correct or delete Personal Information about a Data Subject's in its possession or under its control that is inaccurate, irrelevant, excessive, out of date incomplete, misleading or obtained unlawfully; or

11.5.2 destroy or delete a record of Personal Information about a Data Subject that the Company is no longer authorised to retain in terms of section 14.

12 <u>DIGITAL</u>

12.1 By virtue of a Data Subject visiting and/or navigating the Company website, information may be collected inter alia through '*log files*', '*cookies*' and '*web beacons'*.

12.2 The Company may use such information for various reasons, including:

12.2.1 Understanding and analysing how the Data Subject uses the Company website;

12.2.2 To communicate with Data Subjects via email, WhatsApp or other electronic communication, subject thereto that in terms of the provisions of POPI the Data Subject will always be provided an 'opt out' right in respect of unsolicited electronic communication from the Company;

12.2.3 Operating, maintaining, improving, personalising and expanding the Company Website;

12.2.4 Developing new products, services, features and functionality.

12.3 'Log file' information can include internet protocol ("IP") addresses, browser type, date/time stamp, Internet Service Provider ("ISP"), referring and exit pages and click numbers.

12.4 "Cookies" are used to store data regarding the pages on the website accessed or navigated with such information as may be useful in optimizing the visitors experience and customising the Company website based on such data. The Company will not use cookies to collect any personally identifiable information about Data Subjects.

12.5 The Company website shall contain notifiers that, concerning the links to other web sites, the Company is not responsible for the privacy practices or the content of other web sites, applications thereon or mobile applications, nor does the Company have access to or control over cookies that are used by third-parties including third party advertisers.

12.6 The Company website shall contain notifiers that the site contains embedded 'share' buttons to enable users of the website to easily share content through various social media platforms. Such websites may set cookies when they are so shared or accessed respectively. The Company does not, and cannot, control the dissemination of these cookies and Data Subject shall be notified that it is the Data Subject's responsibility to check such sites regarding cookies and their respective privacy policies.

13 <u>**DIRECT MARKETING**</u>

13.1 The Processing of Personal Information of a Data Subject for the purpose of Direct Marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail is prohibited unless the Data Subject:

13.1.1 has given his, her or its consent to the Processing; or

13.1.2 is, subject to 13.5, a customer of the Company as a Responsible Party.

13.2 The Company, as Responsible Party, may approach a Data Subject whose consent is required in terms of 13.1.1 <u>***only once***</u> in order to request the consent of that data subject, provided that such Data Subject has not previously withheld such consent.

13.3 In amplification –

13.3.1 In terms of section 69 of POPI Direct Marketing by means of any form of electronic communication is unlawful unless the Data Subject has given their consent. A Data Subject can only be approached once to obtain such consent. If consent is not provided, it is deemed to be forever refused.

13.3.2 The situation is different in respect of an existing customer of the Company, provided that the Data Subject's (Customer's) Personal Information (contact details) have been obtained in the context of the sale of the Company's products or services. In such circumstances the Company may engage in Direct Marketing of its own similar products or services and the Data Subject (Customer) must be provided with the right to opt out at the time the information was collected and each time such a Direct Marketing communication is sent.

13.3.3 Customers must therefore be provided with an opt out in respect of Direct Marketing, while third parties may only be subjected to Direct Marketing after having opted in.

13.4 The Data Subject's consent, that is the 'opt in', must be requested in the prescribed manner and form (Form 4 – a copy of which is attached as Annexure "B")

13.5 The Company may only process the Personal Information of a Data Subject who is a customer of the Responsible Party in terms of paragraph 13.1.2:

13.5.1 if the Responsible Party has obtained the contact details of the Data Subject in the context of the sale of a product or service;

13.5.2 for the purpose of direct marketing of the Company's own similar products or services; and

13.5.3 if the Data Subject has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its electronic details—

13.5.3.1 at the time when the information was collected; and

13.5.3.2 on the occasion of each communication with the data subject for the purpose of marketing if the Data Subject has not initially refused such use.

13.6 Any communication for the purpose of direct marketing must contain:

13.6.1 details of the identity of the sender or the person on whose behalf the communication has been sent; and

13.6.2 an address or other contact details to which the recipient may send a request that such communications cease.

13.7 **"Automatic calling machine"**, for these purposes is defined in POPI as a machine that is able to do automated calls without human intervention.

13.8 A data subject must be given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its Personal Information or to request verification, confirmation or withdrawal of such information if the data subject has not initially refused such use.

14 THE INFORMATION OFFICER

14.1 With reference to PAIA (section 1), the Information Officer of the Company will be the "Head" thereof, in the Company's instance, the Managing Director. Information Officers must be registered with the Information Regulator.

14.2 Information Officers may be registered online with the Information Regulator. As of 1 May 2021, Responsible Parties may also submit their applications for the registration of Information Officers and/or Deputy Information Officers, by manually completing the application form and submitting same to the Information Regulator via email registration.IR@justice.gov.za.

14.3 The Information Officer's responsibilities include:

14.3.1 the encouragement of compliance, by the Company, with the conditions for the lawful Processing of Personal Information;

14.3.2 dealing with requests made to the Company pursuant to this Act;

14.3.3 working with the Regulator in relation to investigations conducted pursuant to Chapter 6 of POPI in relation to the Company;

14.3.4 otherwise ensuring compliance by the Company with the provisions of POPI; and as may otherwise be prescribed.

14.4 Information Officers must take up their duties in terms of this Act only after the Responsible Party has registered them with the Information Regulator.

14.5 The Company is obliged to make provision, in the manner prescribed in section 17 of PAIA, with the necessary changes, for the designation of such a number of persons, if any, as Deputy Information Officers as is necessary to perform the duties and responsibilities of an Information Officer.

14.6 Section 17 of PAIA provides that the Company must, subject to legislation governing the employment of personnel of the Company, designate such number of persons as Deputy Information Officers as are necessary to render the Company as accessible as reasonably possible for requesters of its records.

14.7 The Information Officer of the Company has direction and control over every Deputy Information Officer of the Company.

14.8 The Information Officer of the Company may delegate a power or duty conferred or imposed on that Information Officer by POPI to a deputy information officer of the Company.

14.9 In deciding whether to delegate a power or duty to a Deputy Information Officer, the Information Officer must give due consideration to the need to render the Company as accessible as reasonably possible for requesters of its records.

14.10 Any power or duty delegated in terms of the above must be exercised or performed subject to such condition as the person who made the delegation considers necessary.

14.11 Any such delegation:

14.11.1 must be in writing

14.11.2 does not prohibit the person who made the delegation from exercising the power concerned or performing the duty concerned himself or herself; and

14.11.3 may at any time be withdrawn or amended in writing by that person.

14.12 Any right or privilege acquired, or any obligation or liability incurred, as a result of a decision in terms of such delegation is not affected by any subsequent withdrawal or amendment of that decision.